

likely force NASA to cut back on this development and further delay crew size increase and consequently the scientific return from the ISS.

Because a reduction in the ISS budget for fiscal year 2004 will likely be taken from program reserves that is like tying one arm behind the program's management. ISS is a developing human space flight vehicle, with inherent schedule and technical risks. Managing the unknowns that will occur requires appropriate flexibility in the management's budget, budget reserves. Reducing the program budget and as a consequence reducing those reserves is simply dangerous.

We cannot allow this budget to be flat lined from fiscal year 2003. NASA cannot do everything it hopes to do on the cheap. The fiscal year 2004 Presidential request should be approved and in addition \$300 million added to ensure human space flight achieves its objectives without jeopardizing safety and delays to completing the ISS. I urge my colleagues to join me in supporting an increase to the NASA top line.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I would like to take this opportunity to express my appreciation to Chairman BOND and Senator MIKULSKI for their hard work in developing the Senate fiscal year 2004 VA-HUD and Independent Agencies appropriations bill. Considering the low authorization level for this important bill, they have done an excellent job maintaining priorities in Veterans health care, the environment and housing. It is vital that the full Senate-passed amount for Veterans healthcare be maintained in conference so that we don't lose more ground in caring for those who have borne the battle. However, it is obvious that additional resources are critically needed for many programs in these areas if they are to work as intended.

Understanding the difficult authorization level facing this committee, I would still like to express my strong support for additional funding for YouthBuild in the fiscal year 2004 VA-HUD and Independent Agencies conference report. Despite the repeated support of over 57 of our Senate colleagues for a funding level of \$90 million, and despite the President's Budget request and House-passed level of \$65 million, the Senate bill could only provide \$60 million for a program that has proven its value and that is crucial to the lives of many young people. At the same time, 1,400 YouthBuild participants who are building housing for homeless and low-income people have lost access to AmeriCorps education awards due to the cutbacks in AmeriCorps.

Each year, YouthBuild receives strong bipartisan support because the program works. Eighty-five percent of students who complete the YouthBuild program either secure a job—at an av-

erage wage of more than \$7.60 per hour—or go on to postsecondary education. The program's success rate is especially notable since YouthBuild serves an at-risk population, 80 percent of whom have previously dropped out of high school.

YouthBuild is a uniquely comprehensive program that offers at-risk youth an immediately productive role rebuilding their communities. Along with attending basic education classes for 50 percent of the program time, students receive job skills training in the well-paid construction field, personal counseling from respected mentors, a supportive peer group with positive values, and experience in community leadership and civic engagement. To date, 25,000 YouthBuild students have built over 10,000 units of affordable housing.

Despite its obvious success, YouthBuild is losing ground with more than 30 sites that have closed due to lack of funds since 1996. Most of the remaining programs enroll 25 percent fewer students than they did in 1997. In 2001, 56 experienced YouthBuild sites that qualified for funding from HUD did not receive it solely due to a lack of funding. Only two local programs have been funded continuously since 1994.

During the House-Senate conference, I hope that the Senate will yield to the House and provide \$65 million for YouthBuild as the President has requested and the House of Representatives has provided. This is the least we can do. We must continue to fight to open the doors of opportunity and service to America's youth by supporting YouthBuild.●

Mr. MCCAIN. Mr. President, I want to thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development, and Independent Agencies. Unfortunately, I must again speak about the unacceptably high funding levels of parochial projects in this appropriations bill. Overall, this legislation contains approximately \$1.2 billion in unrequested spending and locality-specific earmarks.

The Committee provides \$29.3 billion in discretionary funding for the VA. That amount is \$1.3 billion more than the President's budget request and \$2.8 billion above the amount in fiscal year 2003. Some progress has been made to reduce the overall amount of earmarks for the VA in this spending bill.

Among other Senators who have stood on the Senate floor to fight for additional funding for veterans' healthcare, I am concerned that the Committee has directed critical dollars from veterans' healthcare to fund spending projects that have not been properly reviewed. Certain provisions funded under the VA in this legislation illustrate that Congress still does not have its priorities in order.

One especially troubling expense, neither budgeted for nor requested by the Administration over the past twelve years, is a provision that directs the VA to continue the twelve year old demonstration project involving the Clarksburg, WV, Veterans Affairs Medical Center (VAMC) and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA-HUD appropriations bill contained a plus-up of \$2 million for the Clarksburg VAMC that ended up on the Administration's line-item veto list and since then the millions keep flowing.

Three years ago, the Committee 'recommended' \$1 million for the design of a nursing home care unit at the Beckley, WV, VAMC. Two years ago they strengthened their report language urging 'the VA to accelerate the design of the nursing home care unit at the Beckley, WV VAMC.' Last year, they have urged the VA "to include sufficient funding" for a new nursing home care unit at the Beckley, WV VAMC. This year, they urge the VA to include sufficient funding in the 2005 budget request.

For St. Louis, MO, the Committee 'encouraged' the VA to pursue an innovative approach at a cost of \$7 million for leasing parking spaces at the John Cochran Division of the VA Medical Center in St. Louis as a means to address a parking shortfall at the VA hospital.

Additionally, the Committee "supports continuation" at the current spending level of the Rural Veterans Health Care Initiative at the White River Junction, VT VAMC. The current level is an astounding \$7 million.

While I am encouraged by the increase specifically in veterans health care funding over last year's enacted levels, we must do much more. We made a promise to our veterans that we would take care of their mental and physical health needs incurred for their many sacrifices for our nation. The VA currently has an incredible backlog of claims. Currently, four out of every ten claims for veterans' disability benefits are decided incorrectly further contributing to the backlog. The millions in dollars wasted in pork barrel spending would go a long way to decreasing the backlog in veterans claims by funding additional claims adjudicators and training.

I would be remiss if I did not point out the provisions in this legislation related to AmeriCorps. Whether it is tutoring inner-city youth or fighting forest fires in the West, the lives of countless people are touched by AmeriCorps. AmeriCorps' efforts to reach out to those affected by natural disasters are paying serious dividends. Over 246,000 victims of fires, floods and hurricanes have been aided by AmeriCorps volunteers working in conjunction with groups such as the American Red Cross.

Despite AmeriCorps' countless success stories, the appropriators have funded AmeriCorps \$93.2 million below

the President's request, while imposing incredibly restrictive report language that could very well fundamentally change the face of a very successful program.

I was heartened when I saw that the President requested funding to expand AmeriCorps to 75,000 volunteers in Fiscal Year 2004. This was an important first step on the road to large scale expansion of AmeriCorps. Despite the President's request, the appropriators took it upon themselves to ensure that we do not provide adequate funding to reach this ambitious level set forth by the President. The Appropriations Committee's counterparts in the House of Representatives funded AmeriCorps with \$23.4 million more than the Senate, yet only believe that they can fund 55,000 volunteers.

Everybody is well aware of money management problems that the Corporation for National Service and AmeriCorps have faced over the last few years. I am confident that the change in leadership at the corporation should help minimize the potential for these same problems to repeat themselves. However, if we do not provide the amount of money the corporation says it will need to fully fund 75,000 volunteers, we are inviting a disastrous repeat of history. If we do not want to repeat this summer's battle for supplemental funds for AmeriCorps, we must fully fund AmeriCorps to the level that the Corporation feels is adequate, not the appropriators.

The last authorization for the AmeriCorps program lapsed in 1996. It is time to reauthorize the program. The Health, Education, Labor and Pensions Committee has oversight responsibility for this program. It is time that we hold hearings to reauthorize this program and markup the Call to Service Act, which I authored with Senator BAYH and Senator KENNEDY. If there is a need to impose restrictions on how AmeriCorps chooses its volunteers or how awards are given out, the HELP committee is where that debate needs to take place, not by the appropriators, without so much as a hearing. We have no idea what effect the restrictions in this legislation will have on AmeriCorps. We have not bothered to run them by the Corporation. Mr. President, we are failing in our oversight responsibilities.

The overwhelming support for AmeriCorps among the grassroots groups is clear. Recently, an event called Voices for AmeriCorps was staged. This 100-hour event featured 130 AmeriCorps Alumni and 51 Members of Congress. In all over 700 people, representing 47 states expressed their support for AmeriCorps. During the summer, letters were sent to the President urging him to support an emergency appropriation request for AmeriCorps. These letters were sent by a bipartisan group of 79 Senators, 228 members of the House of Representatives, 44 Governors and 148 Mayors. The list of supporters is not restricted to elected officials. 250 private sector leaders took out a full page ad in The New York

Times expressing support. 1100 community organizations have shown their support. The support for AmeriCorps is clear. It is time that we acknowledge their efforts and not only fully fund the President's request but expand AmeriCorps to new levels.

This legislation also contains the funding for the Department of Housing and Urban Development. The programs administered by HUD help our nation's families purchase their homes, helps many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our nation's most vulnerable—the elderly, disabled and disadvantaged—have access to safe and affordable housing.

Unfortunately, this bill shifts money away from many critical housing and community programs by bypassing the appropriate competitive process and inserting earmarks and set-asides for special projects that received the attention of the Appropriations Committee. This is unfair to the many communities and families who do not have the good fortune of residing in a region of the country represented by a member of the Appropriations Committee.

In the report accompanying this bill, the Appropriators have taken two accounts, originally created as competitive grant programs to be administered by HUD, and earmarked close to 100% of those accounts. This bill funds the Economic Development Initiative at \$140 million. However, the report lists 331 earmarks for that program, totaling over \$136 million. Similarly, the committee funds the Neighborhood Initiatives program at \$21 million, with report language listing 20 earmarks, totaling over \$20 million. I am deeply concerned that once competitive programs have become nothing more than slush funds to fulfill influential members' parochial interests.

Some of the earmarks for special projects in this legislation include:

\$1,000,000 for the Tongass Coast Aquarium in Ketchikan, AK for improvements;

\$400,000 for Love, Inc. in Fairbanks, AK for a social service facility;

\$250,000 for the Alaska Aviation Heritage Museum in Anchorage for improvements;

\$1,000,000 for Fort Westernaire in Golden, CO for the expansion of the Westernaire museum;

\$500,000 for Miami Dade County, FL for the construction of the Miami Dade County Performing Arts Center;

\$500,000 for the Hawaii Nature Center in Wailuku, HI for the Maui Renovation Project;

\$500,000 for the Field Museum in Chicago, IL;

\$100,000 for the Iowa State Fair Board in Des Moines, IA for a statewide awareness and education/exhibit.

\$280,000 for the City of Waterloo, IA for the John Deere brownfield and bio-based incubator project;

\$500,000 for the B&O Railroad Museum in Baltimore, MD for building renovations;

\$187,500 for Heartland Corn Products in Winthrop, MN for construction of a new facility;

\$100,000 for the Graveyard of the Atlantic Museum in Hatteras, NC to complete construction;

\$450,000 for the Johnny Appleseed Heritage Center, Inc. in Ashland County, OH for construction of facilities;

\$200,000 for Holt Hotel in Wichita Falls, TX for continued renovations to the Holt Hotel;

\$250,000 for the Walter Clore Wine and Culinary Center in Prosser, WA for costs associated with its construction;

\$500,000 for Appalachian Bible College in Beckley, WV to complete its library resource center; and

\$1,000,000 for the Huntington Area Development Council in Huntington, WV for the construction of a business incubator.

This bill also funds the Environmental Protection Agency which provides resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs.

Mr. President, the most egregious provision under the EPA section is the language that would significantly change states' authority under the Clean Air Act in order to protect an engine manufacturer in Missouri. This policy change has been advanced to serve the concerns of Briggs and Stratton, although its September 2003 filing to the SEC indicated that there would not be "a material effect on its financial condition or results of operations" and it has not been able to substantiate job loss claims. However, what has been substantiated by the many public health, state environmental departments, and environmental groups opposed to this are the detrimental effects it would have on air quality including ozone levels in many states, including my own. On behalf of the health of the citizens of our respective states, every Senator in this chamber should oppose this blatant and unacceptable change in national air pollution control policy which restricts every state's ability to make decisions that best serve the economic and environmental interests of the state.

I support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a review of this year's bill for EPA programs, I do not believe that we are responding to the most urgent environmental needs. Our nation's key environmental laws are an empty promise of protection without adequate enforcement. I am gratified that Senator LAUTENBERG's amendment was accepted to bring essential enforcement activities at EPA to levels comparable to last year's appropriation. Enforcement actions have been declining significantly in conjunction with the Administration's enforcement budget cuts. We cannot allow this trend to continue and uphold our responsibility to protect human health

and our vital natural resources under existing laws.

The funding priorities in this bill seem to be slanted toward satisfying parochial and institutional interests rather than providing for robust implementation of national environmental laws. Many of the earmarks provided for the EPA are targeted for consortiums, universities, or foundations. There are many environmental needs in communities back in my home state of Arizona, but these communities will be denied funding as long as we continue to tolerate earmarking that circumvents a regular merit-review process.

For example, some of the earmarks include:

An increase of \$500,000 for the painting and coating assistance initiative through the University of Northern Iowa;

An increase of \$500,000 for the Kenai River Center in Kenai, AK;

An increase of \$1,000,000 for the University of South Alabama for the Center for Estuarine Research;

An increase of \$250,000 for the Midwest Technology Assistance Center at the University of Illinois;

An increase of \$400,000 for the County of Hawaii and the Hawaii Island Economic Development Board for community-based waste recycling and reuse system;

An increase of \$425,000 for Southeastern Louisiana University for the Turtle Cove research station;

\$1 million for the Solid Waste Authority of Palm Beach County, FL for continued construction of the Tri-County Biosolids Pelletization Facility;

\$600,000 for the City of Jackson, TN for the Sandy Creek Sanitary Sewer Overflow Project;

\$1 million for Washoe County, NV for the North Lemmon Valley Artificial Recharge Project;

\$400,000 for Wright City, MO for the construction of an elevated water storage tank; and

\$300,000 to the City of Lancaster to construct an advanced ultrafiltration membrane water treatment system in Lancaster County, PA.

While these projects may be important, why do they rank higher than other environmental priorities? It is also important to note that none of the earmarks for the EPA were even requested by the President's budget.

For independent agencies such as the National Aeronautics and Space Administration, this bill also includes earmarks of money for locality-specific projects such as:

An increase of \$2.5 million to Marshall University in Bridgeport, WV for the Hubble Telescope Project;

An increase of \$2.5 million to the University of Mississippi for the Enterprise for Innovative Geospatial Solutions;

An increase of \$3 million for the University of Alaska for weather and ocean research;

An increase of \$1 million to the Delaware Aerospace Education and Foundation in Kent County, DE;

An increase of \$1.5 million for the Adventure Science Center in Nashville, TN for the Sudekum Planetarium;

An increase of \$2 million to Texas Tech University in Lubbock, TX for equipment at the Experimental Sciences Building; and

An increase of \$1 million to Utah State University in Logan, UT for the Intermountain Region Digital Image Archive and Processing Center.

I want to alert my colleagues to what I consider to be a very serious funding issue concerning the future of our space program.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has authorizing jurisdiction over NASA, I am greatly concerned that we apparently have not learned from last February's tragic *Columbia* Space Shuttle accident. What I find to be particularly remarkable is that while the Appropriators were not able to fully fund NASA, somehow the accompanying report still earmarks \$81.6 million worth of pork and unrequested items in NASA's Science, Aeronautics and Exploration Account. Clearly, now more than ever, we should be doing everything in our power to ensure we aren't short-changing NASA safety needs.

The Columbia Accident Investigation Board (CAIB), which was assigned to determine the cause of that accident and to prevent future accidents, describes NASA as, "An Agency Trying To Do Too Much With Too Little." The CAIB report, released in August, describes NASA's budget situation as follows:

Between 1993 and 2002, the government's discretionary spending grew in purchasing power by more than 25 percent, defense spending by 15 percent, and non-defense spending by 40 percent. NASA's budget, in comparison, showed little change, going from \$14.31 billion in Fiscal Year 1993 to a low of \$13.6 billion in Fiscal Year 2000, and increasing to \$14.87 billion in Fiscal Year 2002. This represented a loss of 13 percent in purchasing power over the decade.

The report also raised very serious concerns regarding how earmarking has restricted NASA's ability to fund its priorities:

Pressure on NASA's budget has come not only from the White House, but also from the Congress. In recent years there has been an increasing tendency for the Congress to add "earmarks"—congressional additions to the NASA budget request that reflect targeted Members' interests. These earmarks come out of already-appropriated funds, reducing the amounts available for the original tasks.

Have we learned nothing from the Shuttle accident and the CAIB report findings? I am afraid not, since this bill does not provide the level of funding for NASA and its programs requested by the President, yet continues the disturbing trend of earmarking NASA's budget in ways that have nothing to do with fulfilling its mission and purpose.

We must do better. As Admiral Gehman testified during one of the Senate Commerce Committee's hearings this year, when I asked him about the effects of the \$167 million that was earmarked in last year's appropriations bill (FY 2003), he said "\$100 million will buy a lot of safety engineers." Unfortunately, last year's earmarks did not allow for NASA to buy those needed safety engineers.

I am not alone in my concern over the earmarks envisioned in this bill. The Administration's Statement of Administrative Policy goes so far as to call out an earmark for an entity in Hampton, VA, to prepare a research budget as "one particularly troublesome earmark," stating that "[b]udget development is clearly the purview of the executive branch and the Congress and the proposed effort is redundant and unnecessary."

I think that it is important to know how we are spending the taxpayers' hard earned money, and have included a list of these earmarks at the end of my statement.

I would like to take a few moments to discuss the International Space Station (ISS). The bill provides \$200 million less than the President's request at a time when a number of serious safety concerns have been raised about the Space Station.

For example, William F. Readdy, the NASA Associate Administrator at the Office of Space Flight, testified before the Commerce Committee that the Space Station onboard environmental monitoring system which, "provides very high accuracy information on atmospheric composition and presence of trace elements . . . is not operating at full capacity." He also testified that the crew health countermeasures, which include an onboard treadmill and associated resistive exercise devices, were "operating at various degrees of reduced capacity and needed to be repaired, upgraded or replaced."

Recent articles in the Washington Post paint an even more disturbing picture. An October 23, 2003, article describes:

The problems with monitoring environmental conditions aboard the space station have festered for more than a year, some NASA medical officials said. Space station astronauts have shown such symptoms as headaches, dizziness and "an inability to think clearly," according to a medical officer who asked not to be named. The onboard sensors designed to provide real-time analysis of the air, water and radiation levels have been broken for months, which has made it impossible to determine at any given time whether there is a buildup of trace amounts of dangerous chemical compounds that could sicken astronauts, or worse.

A November 9, 2003, Washington Post article reports that:

A recent NASA study found that the risk of fire aboard the station has grown because the crew is stowing large quantities of supplies, equipment and waste in front of or near 14 portals that would be crucial for detecting and extinguishing a fire in any of the station's various compartments. There is

also concern that a portion of the station's water stores supplied by the Russians may have high levels of carbon tetrachloride, a toxic contaminant.

This article further stated that:

As far back as March, internal studies warned of a host of dangers for six separate systems, including the thermal controls that cool the station's computers and interiors, that would likely grow out of trying to run the station with limited supplies and a caretaker crew of two instead of the normal complement of three.

Before the recent launch of Expedition 8, the Chief of NASA's Habitability and Environmental Factors Office and NASA's Chief of Space Medicine signed a dissent to the "flight readiness certificate." The dissent declared that "the continued degradation in the environmental monitoring system, exercise countermeasures system, and the health maintenance system, coupled with a planned increment duration of greater than 6 months and extremely limited resupply, all combine to increase the risk to the crew to the point where initiation of [the mission] is not recommended.

These are very serious issues that cannot be ignored, yet here we are, about to approve more than \$81 million for unrequested earmarks while underfunding more pressing needs. How will these cuts to the President's budget request affect the safety of the space station? Are we really willing to take any risks?

Furthermore, how do we explain to the public that we could not find the money to fully fund the International Space Station, but were able to earmark \$81.6 million worth of pork barrel funding in NASA's Science, Aeronautics and Exploration Account? Again, this is the very type of earmarking that the CAIB report identified as serious cause for concern.

That this practice continues in the face of legitimate safety concerns is simply unacceptable given the tragedies experienced just this year. When one considers the importance of ensuring the safety of the astronauts aboard the Space Station, don't you have to question the funding priority for projects such as the ultra-long balloon program at New Mexico State University, and the Classroom of the Future at Wheeling Jesuit University in West Virginia? These and other projects are the types of earmarks discussed by the CAIB.

The Statement of Administration Policy opposes this \$200 million reduction, stating that: "After diligently rebuilding reserves to place the Station on sound financial ground, this reduction would deplete reserves deemed critical by independent cost estimates and limit the program's ability to address risks in FY 2004, including impacts from the Columbia accident." In addition, I have been informed that this reduction would place at risk actions that NASA is taking to address the Independent Management and Cost Evaluation (IMCE) Task Force recommendations to ensure a "credible" ISS Program.

This bill would also reduce funding for other NASA programs. For example, it would reduce funding for the Global Climate Change Research Initiative by \$11 million, a decrease of 47 percent. This reduction would significantly impact the development of the Advanced Polarimeter Sensor, which is designed to measure methane, tropospheric ozone, aerosols and black carbon in the atmosphere. The proposed reduction would delay the purchase of "long-lead" item purchases, which could potentially delay the launch date of the satellite from 2007 to 2008.

The bill also would reduce funding for the Jupiter Icy Moons Orbiter (JIMO) by \$20 million. This reduction would disrupt and delay the formulation of the JIMO and its associated space nuclear power and propulsion technologies. It also would also reduce funding for the preparation of solicitations for the science community and science investigations. In addition, it would reduce funding for spacecraft studies by three competing industry teams, which would result in delayed, less efficient, and disrupted spacecraft conceptual design work. Most importantly, funding for the Department of Energy reactor studies and technology recapture activities would be reduced. The reactor is the "long-lead" component of JIMO, and any delay to the reactor could eventually delay the launch of the vehicle.

Finally, the bill would reduce funding for NASA's Earth Science Applications by \$15 million a 20 percent decrease. This decrease would suspend or terminate projects in over 12 states that support the integration of Earth observations into decision support systems. The reduction would also suspend NASA's interagency commitments to establish best-practice solutions for the integration of Earth science research results into products and services for food and fiber production, coastal management, energy management, aviation safety, disaster management, and air quality forecasting.

It is important to note for all of these projects that further delays usually equate to greater cost.

I think it is important to comment on the fact that the administration has not provided any cost estimates for the space shuttle's return to flight, even though NASA has issued two versions of its Return To Flight plan. It is difficult to expect an appropriations bill to provide sufficient resources without the relevant information from NASA regarding the cost of these Shuttle operations, and I continue to request the administration provide this critical information to the Congress.

The CAIB has listed 15 recommendations that must be implemented before the Space Shuttle can return to flight. These recommendations vary in technical complexity, and include modifying the Memorandum of Agreement with the National Imagery and Mapping Agency to ensure that images are

taken of each Shuttle while on orbit, and developing a comprehensive inspection plan using non-destructive inspection technology to determine the structural integrity of all Reinforced Carbon-Carbon system components. The CAIB also recommends that NASA prepare a detailed plan for establishing an independent Technical Engineering Authority, independent safety program, and reorganized Space Shuttle Integration Office. Some of these recommendations will potentially be expensive to implement, and the Congress needs to have an estimate of their cost soon. We cannot wait until the FY 2005 budget submission to find out how much Return To Flight activities will cost if the Shuttle is expected to fly again next fall.

I am also concerned about the Orbital Space Plane program, the development of which is estimated to cost the taxpayers upwards of \$15 billion. This amount is already close to the original estimated development costs of \$17.4 billion for the International Space Station. It is amazing that the escape vehicle for the station is about to cost as much as the Station was originally expected to cost.

We must ensure due diligence is taken to protect this public investment. NASA has limited the competition to two companies, yet it has not provided a sufficient explanation to the authorizing committees of jurisdiction as to the merits of such a decision. I am not convinced this will generate either the cost savings or the innovation necessary to make this a successful program.

Perhaps the more fundamental question is whether the OSP is the right approach in the first place. As the rush begins to develop this vehicle, many Members in both Houses are not sure how or if this project fits within the overall plans for the future of NASA. I share these concerns.

We do not want to make the same mistakes that we made on the ISS. Those mistakes cost the American taxpayers dearly as the development costs of the ISS sky-rocketed by more than 50 percent. Even today, we still do not know the final costs of the Station, because of the delay caused by the grounding of the Space Shuttle.

I believe it wise to wait for the results of the on-going inter-agency review of the nation's space program being undertaken by the administration before we dole out \$15 billion that may be inconsistent with the future goals of the space program.

We need to make the safety of the astronauts on the space station a top priority. We cannot risk placing the earmarks for parochial interests above the critical need to fund legitimate safety concerns.

Mr. BOND. Mr. President, we are awaiting one more Senator who has an amendment to be offered. We are getting to the point where we hope we can go to a voice vote on final passage as soon as possible to expedite the work of

the committee. I have asked our cloakroom to check to see if the Senator is going to be joining us to offer his amendment.

Mr. REID. Mr. President, the managers have worked this down to one amendment being left. There was an agreement this morning, and Senator MCCAIN is willing to take a very short time agreement. I think it is 20 minutes evenly divided. This bill will be finished before the normal recess.

Ms. MIKULSKI. Mr. President, if I might say to the wonderful distinguished whip and my colleague from Missouri, at 2:30 the Senator from Maryland, along with the distinguished Senator from Utah, Mr. HATCH, are receiving a national award. It will occur in Statuary Hall.

It is really important, if the Senator from Arizona could come next, we could finish this bill. It will be very awkward to try to do the bill at 2:30. I will be here. I will give up the reception of this award. It is really awkward when we are ready to go. I respect the impeccable credentials of the Senator from Arizona on national security. We know what he wants to offer. We could deal with this now and have him present his arguments and our rebuttal, and perhaps do this before the luncheon recess. We would like to get this done before the Senate recesses for the year.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to speak for about 3 minutes.

First, I would like to express my appreciation to Senator BOND and Senator MIKULSKI for their work on this legislation and particularly for their commitment to the National Aeronautics and Space Administration.

This is such an important part of what we are as a people. We are a nation of explorers. This represents a commitment by the American people to explore our solar system and, as far as possible, the universe as we know it.

We have had a tough year. With the shuttle disaster and seven astronauts lost, a tremendous effort has been ongoing to deal with the problem so it will not happen again as part of the return to space program. It has cost us a good bit of money.

It is important to note NASA Administrator Sean O'Keefe is doing a terrific job. He has served as former Secretary of the Navy, former Comptroller of the Department of Defense, chaired departments at Johns Hopkins, Syracuse, Penn State, and has dealt with governmental management. He is doing a good job. That was confirmed just 2 days ago when NASA was rated the best place to work in the Federal Government. In fact, I was particularly proud that Marshall Space Flight Center in Huntsville, AL, the part of NASA where the Saturn 5 was originally set up by Werner Von Braun, is rated the best of the best in the entire U.S. Government. A lot of good things are happening despite the difficulties.

One thing, though, that our leaders were not able to do: Under the pressure that was upon them, they believed it necessary to reduce the International Space Station funding by \$200 million. I know there is a lot of pressure. I understand the difficulties they face. The House has not done that.

I urge our colleagues as they go to conference—and I intend to support this bill—to see if we can't get back that \$200 million. We don't know all of the challenges they will face, but we know we really have to do a lot of extra work on the return to space. It has drained a lot of our money. If we could keep that \$200 million in and keep this space station going, I think it would maintain our progressive vision for space and continue our commitment to explore our solar system. I think it is very important.

I urge my colleagues to do all they can to see if that can be worked out. I thank them for their leadership.

I yield the floor.

Mr. BOND. Mr. President, I thank my colleague from Alabama for his comments on space exploration and the space station.

He noted the delays in the space station operations because of the unavailability of the space shuttle. That is one of the reasons we put some of those funds in other priority programs. We are trying to get back into space so we can get the space shuttle. We very much appreciate that.

VETERANS' CEMETERIES

Mr. GRAHAM of Florida. Mr. President, would the Senator from Missouri be willing to engage me in a colloquy?

Mr. BOND. I would be pleased to engage in a colloquy with my friend from Florida.

Mr. GRAHAM of Florida. I have come to the floor today to speak about an issue of great importance; the need to construct new national veterans cemeteries.

National cemeteries are reaching capacity throughout the United States as veterans, particularly those from World War II and the Korean War, die in increasing numbers. By the end of 2004, only 64 of the 124 veterans national cemeteries will be available for both casketed and cremated remains.

Recognizing the need to establish new cemeteries, Congress recently passed the National Cemetery Expansion Act of 2003 (H.R. 1516). This bill directs the Department of Veterans Affairs (VA) to construct a new national veterans cemetery in the following six cities: Jacksonville, FL; Sarasota, FL; Birmingham, AL; Bakersfield, CA; Philadelphia, PA; and Columbia, SC. These cities were identified by VA as being the areas in the greatest need of a new cemetery.

As cemetery service capabilities decrease, veterans in areas near cemeteries that are at capacity will lose access to burial options within a reasonable distance of their homes. In order to ensure that burial options are provided for veterans and their family

members, we must develop new cemeteries and expand existing cemeteries. This process must start as soon as possible because the construction of a new cemetery takes an average of seven years.

I respectfully request that the distinguished chairman of the VA-HUD Subcommittee work to include advance planning funds in conference so we begin constructing these new cemeteries and ensure our veterans have the burial options they deserve.

Mr. BOND. I agree this is an important issue and I will try to address it in conference.

Mr. GRAHAM of Florida. I would like to thank the distinguished chairman for his efforts and I look forward to the final conference report.

Mr. BOND. Mr. President, I express my sincerest appreciation to my colleague, the Senator from Maryland, without whom we could not have gotten them done. We were under very tight time pressures and with very limited resources.

I express my thanks to the chairman, Senator STEVENS, and the ranking member, Senator BYRD, for making enough money available so we can restore the full amount of funding for veterans health care which was a top priority.

This was an extremely difficult year for us. We could not have gotten it done without an extremely able staff who worked, I imagine, more than 100 hours a week and 20 hours several days.

Thanks on the minority side to Paul Carliner, Alexa Sewell, Gabrielle Batkin; and, on my side, Jon Kamarck, Cheh Kim, Allan Cutler, Jennifer Storipan, and Rebecca Benn. We sincerely appreciate their good work.

I ask my colleague for any comments, and then we are ready to go to final passage.

Ms. MIKULSKI. Mr. President, we have fully funded the VA including a \$1.5 billion increase over the President's request for VA medical care.

We have provided \$28.5 billion for medical care, a 12 percent increase over last year's level, with no deductibles, no co-pays, and no membership fees for veterans. Promises made to our veterans must be promises kept and we have kept our promises to veterans in this bill.

In the area of housing and community development, we continue our commitment to core housing programs, including Community Development Block Grants, HOME, HOPE VI, and Section 8. These programs provide flexible funding for local communities for a range of activities, such as new rental housing, rehabilitation of dilapidated properties, and child care centers.

Last year, CDBG funds created or retained over 100,000 jobs nationwide.

We also keep our commitment to the environment helping local communities protect their citizens' health and their environment.

EPA helps communities by cleaning up Brownfields, improving air quality,

and fixing water and sewer systems. We provide \$8.2 billion to the EPA, \$105 million above last year, and \$500 million above the President's budget request.

In water and sewer needs, communities all across the country are faced with aging water and sewer systems. The costs of fixing and maintaining these aging systems continue to increase. That is why Senator BOND and I worked together to restore the administration's \$500 million cut to the Clean Water State Revolving Loan Fund.

We have also fully funded environmental cops on the beat so that we catch polluters who threaten public health and the environment.

We have provided a record amount for Americorps, \$340 million, so that Americorps can enroll more volunteers to serve in our communities.

In NASA, we provided the full amount for the Space Shuttle—\$3.9 billion. Senator BOND and I have always made the Space Shuttle safety a priority.

The bill also funded all major programs in space science, earth science, and aeronautics.

In order to keep our manufacturing jobs here, we increase our investment in the National Science Foundation. We win the Nobel Prizes, and they win the markets. That is why we provide NSF with the largest budget in its history.

We have increased funding for education to attract and train more scientists, engineers and teachers of science.

Again, I joined this Subcommittee to meet the needs of our veterans, empower communities, and create new jobs. This bill has accomplished all three goals.

I support this bill, and I urge my colleagues to support it.

Mr. President, I thank Senator BOND for the wonderful job he has done on this bill on the part of representing the Democratic side. I thank him for all the courtesies and collegiality. Most of all, I thank him for really not playing politics with veterans health care, as I did not. As we approached this bill, when it came to looking out for veterans health care, we weren't the Republican Party; we weren't the Democratic Party; we were the red, white, and blue party. Therefore, we could raise the funding for veterans medical care by 12 percent with no deductibles, with no new deductibles, no new copayments, and no membership fees. That was due in large part to our mutual advocacy and the wonderful cooperation of Senator STEVENS and Senator BYRD.

I joined this subcommittee for two reasons: To meet the day-to-day needs of my constituents—our veterans—housing, the environment; and the long-range investments needed for our country in science and technology. I believe we have accomplished both.

I also thank the staff who enabled us to do this: On my own side, Paul

Carliner, Gabrielle Batkin, Alexa Se- well, and Jennifer Storipan; and the staff of the distinguished Senator from Missouri: Jon Karmarck, Cheh Kim, Allan Cutler, and Rebecca Benn.

I also thank the floor staff of both the majority and the minority who helped us expedite the bill. No kinder words could be said by me than to express my gratitude to Senator HARRY REID, the whip on our side, who really also helped bring this bill to closure. This is why we come to the Senate, to try to use the taxpayers' money in a wise way. It keeps promises made to our U.S. veterans, but adds value to our country, whether through empowering neighborhoods, protecting the environment, or investing in science and technology so we not only win the Nobel Prizes but we win the markets.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

Mr. BOND. We are ready for final passage.

The amendment (No. 2150), as amended, was agreed to.

The PRESIDING OFFICER. The question is on engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2861), as amended, was passed, as follows:

H.R. 2861

Resolved, That the bill from the House of Representatives (H.R. 2861) entitled "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat.

122, 123; 45 Stat. 735; 76 Stat. 1198), \$29,845,127,000, to remain available until expended: Provided, That not to exceed \$17,056,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$2,529,734,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$29,017,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2004, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$154,850,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, \$70,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,938,000: Provided further, That the loan level shall be considered an estimate and not a limitation.

In addition, for administrative expenses necessary to carry out the direct loan program, \$300,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$571,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR
HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended.

VETERANS HEALTH ADMINISTRATION
MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., \$25,488,080,000, plus reimbursements: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That of the funds made available under this heading, \$1,100,000,000 is for equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2004, and shall remain available until September 30, 2005: Provided further, That of the funds made available under this heading, not to exceed \$1,100,000,000 shall be available until September 30, 2005: Provided further, That of the funds made available under this heading, the Secretary may transfer up to \$400,000,000 to "Construction, major projects" for purposes of implementing CARES subject to a determination by the Secretary that such funds will improve access and quality of veteran's health care needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may provide prescription drugs to enrolled veterans with privately written pre-

scriptions based on requirements established by the Secretary: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region: Provided further, That such sums as may be deposited to the Medical Care Collections Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account: Provided further, That Medical Care Collections Funds may be used for construction, alteration and improvement of any parking facility set forth in 38 U.S.C. 8109: Provided further, That of the unobligated balances remaining from prior year recoveries under this heading, \$270,000,000 is rescinded.

For an additional amount for "Medical care", \$1,300,000,000.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2005, \$413,000,000 plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS
OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, \$79,146,000: Provided further, That of the funds made available under this heading, not to exceed, \$4,000,000 shall be available until September 30, 2005, plus reimbursements: Provided further, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2004.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,283,272,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,004,704,000: Provided further, That of the funds made available under this heading, not to exceed \$64,000,000 shall be available for obligation until September 30, 2005: Provided further, That from the funds made avail-

able under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; and hire of passenger motor vehicles, \$144,203,000: Provided, That of the funds made available under this heading, not to exceed \$7,200,000 shall be available until September 30, 2005.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$62,250,000, to remain available until September 30, 2005.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in 38 U.S.C. 8104(a)(3)(A) or where funds for a project were made available in a previous major project appropriation, \$272,690,000, to remain available until expended, of which \$183,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2004, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2004; and (2) by the awarding of a construction contract by September 30, 2005: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services,

maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in 38 U.S.C. 8104(a)(3)(A), \$252,144,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in 38 U.S.C. 8104(a)(3)(A), of which \$42,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, \$102,100,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, \$32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2004 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2004 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2003.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2004 shall be available to pay prior year obligations of corresponding prior year appropria-

tions accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2004, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2004 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2004 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2004: Provided, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2004.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2004 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,318,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or treatment of any person by reason of eligibility under section 1710(a)(3) of title 38, United States Code, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require—

(1) current, accurate third-party reimbursement information for purposes of section 1729 of such title; and

(2) annual income information for purposes of section 1722 of such title.

SEC. 113. None of the funds in this Act may be used to implement sections 2 and 5 of Public Law 107–287.

SEC. 114. Receipts that would otherwise be credited to the Veterans Extended Care Revolving Fund, the Medical Facilities Revolving Fund, the Special Therapeutic and Rehabilitation Fund, the Nursing Home Revolving Fund, the Veterans Health Services Improvement Fund, and the Parking Revolving Fund shall be deposited into the Medical Care Collections Fund, and shall be transferred to the Medical Care account, to remain available until expended, to carry out the purposes of the Medical Care account.

SEC. 115. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) that are deposited into the Medical Care Collections Fund may be transferred and merged with major construction and minor construction accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in the Major and Minor Construction appropriations.

SEC. 116. Notwithstanding paragraph (2) of section 8163(c) of title 38, United States Code, the Secretary of Veterans Affairs may enter into an enhanced-use lease with the Medical University Hospital Authority, a public authority of the State of South Carolina, for approximately 0.48 acres of underutilized property at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina, at any time after 30 days after the date of the submittal of the notice required by paragraph (1) of that section with respect to such property. The Secretary is not required to submit a report on the lease as otherwise required by paragraph (4) of that section.

SEC. 117. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall make the North Chicago VA Medical Center available to the Navy to the maximum extent feasible. The Secretary shall report to the Senate Appropriations Committee by June 30, 2004, regarding the progress in modifying North Chicago VA Medical Center's surgical suite and emergency and urgent care centers for use by veterans and Department of Defense beneficiaries. Further, the Secretary shall consider having the new joint VA/Navy ambulatory care center to serve both veterans and Department of Defense beneficiaries sited on or adjacent to the North Chicago VA Medical Center and shall consult with the Secretary of the Navy to select the site for the center. The Secretary of Veterans Affairs shall report to the Senate Appropriations Committee on the site selection by June 30, 2004.

SEC. 118. (a) TREATMENT OF PIONEER HOMES IN ALASKA AS STATE HOME FOR VETERANS.—The Secretary of Veterans Affairs may—

(1) treat the Pioneer Homes in the State of Alaska collectively as a single State home for veterans for purposes of section 1741 of title 38, United States Code; and

(2) make per diem payments to the State of Alaska for care provided to veterans in the Pioneer Homes in accordance with the provisions of that section.

(b) TREATMENT NOTWITHSTANDING NON-VETERAN RESIDENCY.—The Secretary shall treat the Pioneer Homes as a State home under subsection (a) notwithstanding the residency of non-veterans in one or more of the Pioneer Homes.

(c) PIONEER HOMES DEFINED.—In this section, the term "Pioneer Homes" means the six regional homes in the State of Alaska known as Pioneer Homes, which are located in the following:

- (1) Anchorage, Alaska.
- (2) Fairbanks, Alaska.
- (3) Juneau, Alaska.
- (4) Ketchikan, Alaska.
- (5) Palmer, Alaska.
- (6) Sitka, Alaska.

SEC. 119. (a) FINDINGS ON ACCESS TO PRIMARY HEALTH CARE OF VETERANS IN RURAL AREAS.—The Senate makes the following findings:

(1) The Secretary of Veterans Affairs has appointed a commission, called the Capital Asset Realignment for Enhanced Services (CARES) Commission, and directed it to make specific recommendations regarding the realignment and allocation of capital assets necessary to meet the demand for veterans health care services over the next 20 years.

(2) The Department of Veterans Affairs accessibility standard for primary health care provides that at least 70 percent of the veterans enrolled in each of the regional "markets" of the Department should live within a specified driving time of a Department primary care facility. That driving time is 30 minutes for veterans living in urban and rural areas and 60 minutes for veterans living in highly rural areas.

(3) The Draft National CARES Plan issued by the Under Secretary for Health would place veterans in 18 rural and highly rural regional markets outside the Department accessibility standard for primary health care until at least fiscal year 2022, which means that thousands of veterans will have to continue traveling up to 3–4 hours each way to visit a Department primary care facility.

(4) The 18 rural and highly rural markets that will remain outside the Department accessibility standard for primary health care comprise all or parts of Arkansas, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, Washington, and West Virginia.

(5) Health care facilities for veterans are disproportionately needed in rural and highly rural areas because the residents of such areas are generally older, poorer, and sicker than their urban counterparts.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the CARES Commission should give as much attention to solving the special needs of veterans who live in rural areas as it does to providing for the health care needs of veterans living in more highly populated areas;

(2) the CARES Commission should reject the portions of the Draft National CARES Plan that would prevent any regional market of the Department from complying with the Department accessibility standard for primary health care, which provides that at least 70 percent of the veterans residing in each market be within specified driving times of a Department primary care facility; and

(3) the CARES Commission should recommend to the Secretary the investments and initiatives that are necessary to achieve the Department accessibility standard for primary health care in each of the rural and highly rural health care markets of the Department.

SEC. 120. Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences under which agreement the Institute of Medicine shall develop and evaluate epidemiological studies on Vietnam veterans in accordance with the recommendations of the 2003 National Academy of Sciences report entitled "Characterizing Exposure of Veterans to Agent Orange and Other Herbicides Used in Vietnam: Interim Findings and Recommendations".

SEC. 121. No funds appropriated or otherwise made available for the Department of Veterans Affairs by this Act or any other Act may be obligated or expended to implement the policy contained in the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject "Status of VHA Enrollment and Associated Issues"

or any other policy prohibiting the Directors of the Veterans Integrated Service Networks (VISNs) from conducting outreach or marketing to enroll new veterans within their Networks.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PUBLIC AND INDIAN HOUSING
HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$18,433,606,000, and amounts that are recaptured in this account, to remain available until expended: Provided, That of the amounts made available under this heading, \$14,233,606,379 and the aforementioned recaptures shall be available on October 1, 2003 and \$4,200,000,000 shall be available on October 1, 2004: Provided further, That amounts made available under this heading are provided as follows:

(1) \$16,202,616,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts, for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for renewals of expiring section 8 tenant-based annual contributions contracts (including amendments and renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t))): Provided, That notwithstanding any other provision of law, the Secretary shall renew expiring section 8 tenant-based annual contributions contracts for each public housing agency (including for agencies participating in the Moving to Work demonstration, unit months representing section 8 tenant-based assistance funds committed by the public housing agency for specific purposes, other than reserves, that are authorized pursuant to any agreement and conditions entered into under such demonstration, and utilized in compliance with any applicable program obligation deadlines) based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to the Department, adjusted by such additional information submitted by the public housing agency to the Secretary which the Secretary determines to be timely and reliable regarding the total number of unit months under lease at the time of renewal of the annual contributions contract, and by applying an inflation factor based on local or regional factors to the actual per unit cost as reported: Provided further, That funds may be made available in this paragraph to support a total number of unit months under lease that exceeds a public housing agency's authorized level of units under lease to the extent that the use of these funds is part of a strategy for a public housing agency to attain its authorized level of units under contract: Provided further, That when a public housing agency is over its authorized contract level, that public housing agency may not issue another voucher (including turnover vouchers) until that public housing agency is at or below its authorized contract level for vouchers.

(2) \$461,329,000 for a central fund to be allocated by the Secretary for the support of section 8 subsidy contracts or amendments to such contracts, and for such other purposes as are set forth in this paragraph: Provided, That subject to the following proviso, the Secretary shall use amounts in such fund, as necessary, for contract amendments to maintain the total number of unit months under lease (up to the author-

ized level) including turnover and reissuance of authorized vouchers, and for contract amendments resulting from a significant increase in per-unit costs, or otherwise provide funds so that public housing agencies may lease units up to their authorized unit level: Provided further, That the Secretary may use up to \$36,000,000 in such funds for incremental vouchers under section 8 of the Act to be used for non-elderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618): Provided further, That the Secretary may only allocate the incremental vouchers under the previous proviso upon a determination that there are adequate funds under this heading to fund all voucher needs in this fiscal year: Provided further, That if a public housing agency, at any point in time during their fiscal year, has obligated the amounts made available to such agency pursuant to paragraph (1) under this heading for the renewal of expiring section 8 tenant-based annual contributions contracts, and if such agency has expended 50 percent of the amounts available to such agency in its annual contributions contract reserve account, the Secretary shall make available such amounts as are necessary from amounts available from such central fund to fund amendments under the preceding proviso within 30 days of a request from such agency: Provided further, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations of the House and the Senate on the obligation of funds provided in this paragraph;

(3) \$252,203,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), and tenant protection assistance, including replacement and relocation assistance;

(4) \$72,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed \$1,339,448,400 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program: Provided, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998;

(6) \$100,000,000 for contract administrators for section 8 project-based assistance;

(7) not less than \$3,010,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Public and Indian Housing"; and

(8) up to \$3,000,000 for an outside audit by a major accounting firm to assess the current status of all funds within this account, including the amounts of obligated and unobligated funds for all programs funded under this heading for fiscal year 2004 as well as the availability of funds currently appropriated under this heading for fiscal years 2005 and thereafter.

The Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2), (3) or

(5), herein to paragraphs (1), (2), (3) or (5), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds appropriated for this purpose by this Act would not be feasible: Provided, That prior to undertaking the transfer of funds in excess of 10 percent from any paragraph pursuant to the previous proviso, the Secretary shall notify the Chairman and Ranking Member of the Subcommittees on Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate and shall not transfer any such funds until 30 days after such notification: Provided further, That, hereafter, the Secretary shall require public housing agencies to submit accounting data for funds disbursed under this heading in this Act and prior Acts by source and purpose of such funds: Provided further, That incremental vouchers previously made available under this heading for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover: Provided further, That \$1,372,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2003 and prior years, to be effected by the Secretary no later than September 30, 2004: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND
(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$2,641,000,000 (the "Act"), to remain available until September 30, 2007: Provided, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, \$400,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 2001 and 2002 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2004, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal years 1998, 1999, 2000, 2001, 2002, 2003, or 2004: Provided further, That with respect to any amounts made available under the Public Housing Capital Fund for fiscal years 1999, 2000, 2001, 2002, 2003, or 2004 that remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies determined under 6(j) of the Act to be high-performing: Provided further, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That of the total amount provided under this heading, up to \$50,000,000 shall be for car-

rying out activities under section 9(h) of such Act, of which up to \$13,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: Provided further, That of the total amount provided under this heading, up to \$500,000 shall be for lease adjustments to section 23 projects, and no less than \$10,610,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to \$40,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2003: Provided further, That of the total amount provided under this heading, \$15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That of the total amount provided under this heading, \$55,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the total amount provided under this heading, up to \$125,000,000 shall be for grants and credit subsidy to support a loan guarantee and loan program for the development of public housing units in mixed income housing developments: Provided further, That the first proviso under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003 is amended by striking "1998, 1999".

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), \$3,576,600,000: Provided, That of the total amount provided under this heading, \$10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That, in fiscal year 2004 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended ("such Act"),

\$195,115,000, to remain available until expended: Provided, That the Secretary may recapture funds from grants previously awarded under this heading in fiscal year 1997 and prior fiscal years for use in making grants in fiscal year 2004 as authorized under section 24 of such Act: Provided further, That the Secretary may only recapture grants under the previous proviso where the Secretary determines that a project is less than 90 percent complete and that the project is unlikely to be completed successfully within the next 2 fiscal years: Provided further, That the Secretary shall not recapture funds from any HOPE VI project that has unobligated funds due to litigation or a court ordered consent decree: Provided further, That the Secretary shall establish an alternative housing plan to meet tenant needs where the Secretary is recapturing HOPE VI funds from a public housing agency with a failed HOPE VI project and the Secretary may recapture only the amount of funds which are not necessary to meet the requirements of the alternative housing plan: Provided further, That the Secretary shall report to the Congress by December 15, 2003 on the status of all HOPE VI projects that are unlikely to be completed according to program requirements: Provided further, That the Secretary shall report to the Congress on any decision to recapture funds from a HOPE VI project, including the justification for the decision and the provisions of the alternative housing plan: Provided further, That the Secretary may use up to \$3,000,000 of the funds made available under this heading for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided further, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS
(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$646,600,000, to remain available until expended, of which \$2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which \$4,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to \$300,000 for related travel; and of which no less than \$2,720,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under "Public and Indian housing": Provided, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$16,658,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to \$150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$5,300,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE
FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$1,035,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$39,712,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$291,000,000, to remain available until September 30, 2005: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the formula funds made available under this heading for fiscal year 2004 shall be awarded to eligible grantees under the same rules and requirements as were in effect for fiscal year 2003: Provided further, That the Secretary may use up to \$3,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,950,000,000, to remain available until September 30, 2006: Provided, That of the

amount provided, \$4,545,700,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for "Planning and Management Development" and "Administration", as defined in regulations promulgated by the Department: Provided further, That \$72,500,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; \$3,300,000 shall be for a grant to the Housing Assistance Council; \$2,600,000 shall be for a grant to the National American Indian Housing Council; \$52,500,000 shall be for grants pursuant to section 107 of the Act; no less than \$4,900,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under "Community planning and development"; \$12,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; \$35,500,000 shall be for capacity building, of which \$31,500,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than \$5,000,000 of the funding to be used in rural areas, including tribal areas, and of which \$4,000,000 shall be for capacity building activities administered by Habitat for Humanity International; \$10,000,000 for the Native Hawaiian Housing Block Grant Program, as authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), of which \$400,000 shall be for training and technical assistance; \$60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than \$10,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and \$2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, \$21,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That these grants shall be provided in accordance with the terms and conditions specified in the report accompanying this Act.

Of the amount made available under this heading, \$140,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the report accompanying this Act.

The referenced statement of the managers under this heading in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; H. Rept. 108-10) is deemed to be amended with respect to item number 721 by striking "training" and inserting "creation, small business development and quality of life improvements within the State of South Carolina".

The referenced statement of the managers under this heading in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; H. Rept. 108-10) is deemed to be amended with respect to item number 317 by striking "135,000" and inserting "151,000".

The referenced statement of the managers under this heading in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; H. Rept. 108-10) is deemed to be amended with respect to item number 324 by striking "225,000" and inserting "209,000".

COMMUNITY DEVELOPMENT LOAN GUARANTEES
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, \$6,325,000, to remain available until September 30, 2005, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, \$1,000,000 which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until September 30, 2005: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,925,000,000, to remain available until September 30, 2006: Provided, That of the total amount provided in this paragraph, up to \$40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than \$1,100,000 shall be transferred to the Working Capital Fund for the development of, maintenance of, and modification to information technology systems which serve programs or activities under "Community planning and development".

In addition to the amounts made available under this heading, \$50,000,000, to remain available until September 30, 2006, for assistance to homebuyers as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: Provided, That the Secretary shall provide such assistance in accordance with a formula developed through rulemaking.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the

McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,325,000,000, to remain available until September 30, 2006: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That \$12,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That no less than \$2,580,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Community planning and development".

URBAN DEVELOPMENT ACTION GRANTS

From balances of the Urban Development Action Grant Program, as authorized by title I of the Housing and Community Development Act of 1974, as amended, \$30,000,000 are cancelled.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, \$1,033,801,000, to remain available until September 30, 2007: Provided, That \$783,286,000, plus recaptures or cancelled commitments, shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, of which amount \$50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, of which amount up to \$30,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use, including substantial capital repair, of which amount \$25,000,000 shall be maintained by the Secretary as a revolving loan fund for use as gap financing to assist grantees in meeting all the initial cost requirements for developing projects under section 202 of such Act: Provided further, That of the amount under this heading, \$250,515,000 shall be for cap-

ital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That of the amount made available under this heading, \$15,000,000 shall be available to the Secretary of Housing and Urban Development only for making grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts made available in the previous proviso shall be awarded on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That no less than \$940,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Housing programs" or "Federal housing administration": Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive the provisions governing the terms and conditions of project rental assistance and tenant-based rental assistance for such section 202 and such section 811, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That all balances and recaptures, as of October 1, 2003, remaining in the "Congregate housing services" account as authorized by the Housing and Community Development Amendments of 1978, as amended, shall be transferred to and merged with the amounts for those purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2003, and any collections made during fiscal year 2004 (with the exception of amounts required to make refunds of excess income remittances as authorized by Public Law 106-569), shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Up to \$303,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 2004: Provided, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2004 by not more than \$303,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations Acts.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), \$13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the general fund estimated at not more than \$0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2004 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2004, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$185,000,000,000.

During fiscal year 2004, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$359,000,000, of which not to exceed \$355,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed \$4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, \$85,000,000, of which no less than \$20,744,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under "Housing programs" or "Federal housing administration": Provided, That to the extent guaranteed loan commitments exceed \$65,500,000,000 on or before April 1, 2004, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, \$15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$25,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000, of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with

the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$229,000,000, of which \$209,000,000, shall be transferred to the appropriation for "Salaries and expenses"; and of which \$20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$93,780,000, of which no less than \$16,946,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under "Housing programs" or "Federal housing administration": Provided, That to the extent guaranteed loan commitments exceed \$8,426,000,000 on or before April 1, 2004, an additional \$1,980 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$8,426,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
GUARANTEES OF MORTGAGE-BACKED SECURITIES
LOAN GUARANTEE PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000, to remain available until September 30, 2005.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$10,695,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$10,695,000, shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$47,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, \$7,500,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$50,000,000, to remain available until September 30, 2005, of which \$20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL
LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$175,000,000, to remain available until September 30, 2005, of which \$10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970: Provided, That both pro-

grams may include research, studies, evaluations, testing, and demonstration efforts, including education and outreach by units of general local government, community-based organizations and other appropriate entities concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the total amount made available under this heading, \$50,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary of the Department of Housing and Urban Development to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$25,000 for official reception and representation expenses, \$1,111,530,000, of which \$564,000,000 shall be provided from the various funds of the Federal Housing Administration, \$10,695,000 shall be provided from funds of the Government National Mortgage Association, \$1,000,000 shall be provided from the "Community development loan guarantees program" account, \$150,000 shall be provided by transfer from the "Native American housing block grants" account, \$250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and \$35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided further, That the General Counsel of the Department of Housing and Urban Development shall have for fiscal year 2004 and all fiscal years hereafter overall responsibility for all issues related to appropriations law: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS-14 and GS-15 levels until the total number of GS-14 and GS-15 positions in the Department has been reduced from the number of GS-14 and GS-15 positions on the date of enactment of Public Law 106-377 by 2½ percent: Provided further, That no funds shall be made available for the salaries (other than pensions and related costs) of any employees who had significant responsibility for allocating funding for the overleasing of vouchers by public housing agencies.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, \$240,000,000, to remain available until September 30, 2005: Provided, That any amounts

transferred to this Fund under this Act shall remain available until expended.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$102,000,000, of which \$24,000,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office: Provided further, That no less than \$300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

CONSOLIDATED FEE FUND
(RESCISSION)

All unobligated balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2003 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE
OVERSIGHT

SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$39,915,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not less than 60 percent of the total amount made available under this heading shall be used for licensed audit personnel and audit support: Provided further, That an additional \$10,000,000 shall be made available until expended, to be derived from the Federal Housing Enterprise Oversight Fund only upon a certification by the Secretary of the Treasury that these funds are necessary to meet an emergency need: Provided further, That not to exceed such amounts shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2004 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity

Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2004 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2004 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2004 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2004, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2004 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications.

For fiscal year 2004, HUD shall transmit this information to the Committees by March 15, 2004 for 30 days of review.

SEC. 209. Notwithstanding any other provision of law, in fiscal year 2004, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 210. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 211. Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking “September 30, 2004” and inserting “September 30, 2006”.

SEC. 212. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these committees upon request.

SEC. 213. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2004 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 214. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2004 and thereafter to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA–NJ Primary Metropolitan Statistical Area (hereafter “metropolitan area”), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan area’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2004 and thereafter under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of

Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 215. (a) During fiscal year 2004, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 216. Section 683(2) of the Housing and Community Development Act of 1992 is amended—

(1) in subparagraph (F), by striking “and”;
(2) in subparagraph (G), by striking “section.” and inserting “section; and”; and
(3) by adding the following new subparagraph at the end:

“(H) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.”.

SEC. 217. Section 224 of the National Housing Act (12 U.S.C. 1735o) is amended by adding the following new sentence at the end of the first paragraph: “Notwithstanding the preceding sentence and the following paragraph, if an insurance claim is paid in cash for any mortgage that is insured under section 203 or 234 of this Act and is endorsed for mortgage insurance after the date of enactment of this sentence, the debenture interest rate for purposes of calculating such a claim shall be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of ten years.”.

SEC. 218. The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

(1) in section 101(b), by striking “Interagency Council on the Homeless” and inserting “United States Interagency Council on Homelessness”;

(2) in section 102(b)(1), by striking “an Interagency Council on the Homeless” and inserting “the United States Interagency Council on Homelessness”;

(3) in the heading for title II, by striking “INTERAGENCY COUNCIL ON THE HOMELESS” and inserting “UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS”;

(4) in sections 201, 207(1), 501(c)(2)(a), and 501(d)(3), by striking “Interagency Council on the Homeless” and inserting “United States Interagency Council on Homelessness”; and

(5) in section 204(c), by inserting after “reimbursable” the two places it appears the following: “or nonreimbursable”.

SEC. 219. Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding the following new section at the end:

“PAYMENT REWARDS FOR CERTAIN SINGLE FAMILY MORTGAGES

“SEC. 257. For purposes of establishing an alternative to high cost mortgages for borrowers with credit impairments, the Secretary may insure under sections 203(b) and 234(c) of this title

any mortgage that meets the requirements of such sections, except as provided in the following sentences. The Secretary may establish lower percentage of appraised value limitations than those provided in section 203(b)(2)(B). Notwithstanding section 203(c)(2)(B), the Secretary may establish and collect annual premium payments in an amount not exceeding 1.0 percent of the remaining insured principal balance and such payments may be reduced or eliminated in subsequent years based on mortgage payment performance. All mortgages insured pursuant to this section shall be obligations of the Mutual Mortgage Insurance Fund notwithstanding section 519 of this Act."

SEC. 220. (a) INFORMATION COMPARISONS FOR PUBLIC AND ASSISTED HOUSING PROGRAMS.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

"(7) INFORMATION COMPARISONS FOR HOUSING ASSISTANCE PROGRAMS.—

"(A) FURNISHING OF INFORMATION BY HUD.—Subject to subparagraph (G), the Secretary of Housing and Urban Development shall furnish to the Secretary, on such periodic basis as determined by the Secretary of Housing and Urban Development in consultation with the Secretary, information in the custody of the Secretary of Housing and Urban Development for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to individuals who are participating in any program under—

"(i) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

"(ii) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

"(iii) section 221(d)(3), 221(d)(5), or 236 of the National Housing Act (12 U.S.C. 1715(d) and 1715z-1);

"(iv) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); or

"(v) section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

"(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of Housing and Urban Development shall seek information pursuant to this section only to the extent necessary to verify the employment and income of individuals described in subparagraph (A).

"(C) DUTIES OF THE SECRETARY.—

"(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of Housing and Urban Development, shall compare information in the National Directory of New Hires with information provided by the Secretary of Housing and Urban Development with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Secretary of Housing and Urban Development, in accordance with this paragraph, for the purposes specified in this paragraph.

"(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part.

"(D) USE OF INFORMATION BY HUD.—The Secretary of Housing and Urban Development may use information resulting from a data match pursuant to this paragraph only—

"(i) for the purpose of verifying the employment and income of individuals described in subparagraph (A); and

"(ii) after removal of personal identifiers, to conduct analyses of the employment and income reporting of individuals described in subparagraph (A).

"(E) DISCLOSURE OF INFORMATION BY HUD.—

"(i) PURPOSE OF DISCLOSURE.—The Secretary of Housing and Urban Development may make a disclosure under this subparagraph only for the purpose of verifying the employment and income of individuals described in subparagraph (A).

"(ii) DISCLOSURES PERMITTED.—Subject to clause (iii), the Secretary of Housing and Urban Development may disclose information resulting from a data match pursuant to this paragraph only to a public housing agency, the Inspector General of the Department of Housing and Urban Development, and the Attorney General in connection with the administration of a program described in subparagraph (A). Information obtained by the Secretary of Housing and Urban Development pursuant to this paragraph shall not be made available under section 552 of title 5, United States Code.

"(iii) CONDITIONS ON DISCLOSURE.—Disclosures under this paragraph shall be—

"(I) made in accordance with data security and control policies established by the Secretary of Housing and Urban Development and approved by the Secretary;

"(II) subject to audit in a manner satisfactory to the Secretary; and

"(III) subject to the sanctions under subsection (I)(2).

"(iv) ADDITIONAL DISCLOSURES.—

"(I) DETERMINATION BY SECRETARIES.—The Secretary of Housing and Urban Development and the Secretary shall determine whether to permit disclosure of information under this paragraph to persons or entities described in subclause (II), based on an evaluation made by the Secretary of Housing and Urban Development (in consultation with and approved by the Secretary), of the costs and benefits of disclosures made under clause (ii) and the adequacy of measures used to safeguard the security and confidentiality of information so disclosed.

"(II) PERMITTED PERSONS OR ENTITIES.—If the Secretary of Housing and Urban Development and the Secretary determine pursuant to subclause (I) that disclosures to additional persons or entities shall be permitted, information under this paragraph may be disclosed by the Secretary of Housing and Urban Development to a private owner, a management agent, and a contract administrator in connection with the administration of a program described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

"(v) RESTRICTIONS ON REDISCLOSURE.—A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for verifying the employment and income of individuals described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

"(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of Housing and Urban Development shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.

"(G) CONSENT.—The Secretary of Housing and Urban Development shall not seek, use, or disclose information under this paragraph relating to an individual without the prior written consent of such individual (or of a person legally authorized to consent on behalf of such individual)."

(b) CONSENT TO INFORMATION COMPARISON AND USE AS CONDITION OF HUD PROGRAM ELIGIBILITY.—As a condition of participating in any program authorized under—

(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(3) section 221(d)(3), 221(d)(5), or 236 of the National Housing Act (12 U.S.C. 1715(d) and 1715z-1);

(4) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); or

(5) section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), the Secretary of Housing and Urban Development may require consent by an individual (or

by a person legally authorized to consent on behalf of such individual) for such Secretary to obtain, use, and disclose information with respect to such individual in accordance with section 453(j)(7) of the Social Security Act (42 U.S.C. 653(j)(7)).

SEC. 221. Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

"(o) LOAN GUARANTEE DEVELOPMENT FUNDING.—

"(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, the Secretary is authorized to provide loan guarantees for public housing agencies to enter into loans or other financial obligations with financial institutions for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations entered into pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

"(2) The Secretary may prohibit a public housing agency from obtaining a loan under this subsection only if the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

"(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for capital and operating funds is authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the Secretary) on the loans or other obligations entered into pursuant to this subsection.

"(4) The amount of any loan or other obligation entered into under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections (d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan entered into under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of loans or other obligations entered into under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year.

"(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to—

"(A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of loans guaranteed under this subsection,

“(B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), or

“(C) or repay any losses associated with a loan guarantee under this subsection.

“(6) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the loan or other obligation entered into under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.”

SEC. 222. Section 204(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11314(a)) is amended by striking in the first sentence after the word “level”, “V”, and inserting in its place “III”.

SEC. 223. Notwithstanding any other provision of law, the State of Hawaii may elect by July 31, 2004 to distribute funds under section 106(d)(2) of the Housing and Community Development Act of 1974, to units of general local government located in nonentitlement areas of that State. If the State of Hawaii fails to make such election, the Secretary shall for fiscal years 2005 and thereafter make grants to the units of general local government located in the State of Hawaii's nonentitlement areas (Hawaii, Kauai, and Maui counties). The Secretary of Housing and Urban Development shall allocate funds under section 106(d) of such Act to units of general local government located in nonentitlement areas within the State of Hawaii in accordance with a formula which bears the same ratio to the total amount available for the nonentitlement areas of the State as the weighted average of the ratios between (1) the population of that eligible unit of general local government and the population of all eligible units of general local government in the nonentitlement areas of the State; (2) the extent of poverty in that eligible unit of general local government and the extent of poverty in all of the eligible units of general local government in the nonentitlement areas of the State; and (3) the extent of housing overcrowding in that eligible unit of general local government and the extent of housing overcrowding in all of the eligible units of general local government in the nonentitlement areas of the State. In determining the weighted average of the ratios described in the previous sentence, the ratio described in clause (2) shall be counted twice and the ratios described in clauses (1) and (3) shall be counted once. Notwithstanding any other provision, grants made under this section shall be subject to the program requirements of section 104 of the Housing and Community Development Act of 1974 in the same manner as such requirements are made applicable to grants made under section 106(b) of the Housing and Community Development Act of 1974.

SEC. 224. The Secretary of Housing and Urban Development shall issue a proposed rulemaking, in accordance with Title V, United States Code, not later than 90 days from the date of enactment of this Act that—

(1) addresses and expands, as necessary, the participation and certification requirements for the sale of HUD-owned multifamily housing projects and the foreclosure sale of any multifamily housing securing a mortgage held by the Secretary, including whether a potential purchaser is in substantial compliance with applicable state or local government housing statutes, regulations, ordinances and codes with regard to other properties owned by the purchaser; and

(2) requires any state, city, or municipality that exercises its right of first refusal for the purchase of a multifamily housing project under

section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(i)) to ensure that potential purchasers of the project from the state, city, or municipality are subject to the same standards that they would otherwise be subject to if they had purchased the project directly from the Secretary, including whether a potential purchaser is in substantial compliance with applicable state or local government housing statutes, regulations, ordinances and codes with regard to other properties owned by the purchaser.

SEC. 225. Section 217 of Public Law 107-73 is amended by striking “the rehabilitation” and inserting in lieu thereof: “redevelopment, including demolition and new construction”.

SEC. 226. NATIVE AMERICAN HOUSING. Of the amounts made available to carry out the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for fiscal year 2004, there shall be made available to each grant recipient the same percentage of funding as each recipient received for fiscal year 2003.

SEC. 227. RURAL TEACHER HOUSING. Section 307 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended by adding at the end the following:

“(e) RURAL TEACHER HOUSING.—The Commission may make grants and loans to public school districts serving remote incorporated cities and unincorporated communities in Alaska (including Alaska Native Villages) with a population of 6,500 or fewer persons for expenses associated with the construction, purchase, lease, and rehabilitation of housing units in such cities and communities. Unless otherwise authorized by the Commission, such units may be occupied only by teachers, school administrators, and other school staff (including members of their households).”

SEC. 228. The Secretary of Housing and Urban Development shall conduct negotiated rulemaking with representatives from interested parties for purposes of any changes to the formula governing the Public Housing Operating Fund. A final rule shall be issued no later than July 31, 2004.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$35,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$8,000,000, of which \$5,500,000 is to remain available until September 30, 2004 and \$2,500,000, of which is to remain available until September 30, 2005: Provided further, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$70,000,000, to remain available until September 30, 2005, of which not less than \$5,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to \$12,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to \$6,000,000 may be used for the cost of direct loans, and up to \$250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$11,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$60,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 12501 et seq.), \$452,575,000, to remain available until September 30, 2005: Provided, That not more than \$330,000,000 of the amount provided under this heading shall be available for the National Service Trust under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.) and for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act): Provided further, That from the amount provided under the previous proviso, the Corporation may transfer funds as necessary, to remain available without fiscal year limitation, to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to \$5,000,000 shall be available to support national service scholarships for high school students performing community service: Provided further, That the Corporation shall approve and enroll AmeriCorps members pursuant to the Strengthen AmeriCorps Program Act (Public Law 108-45): Provided further, That of the amount provided under this heading for

grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than \$50,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than \$14,575,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which \$5,000,000 shall be available for challenge grants to non-profit organizations: Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That not more than \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs by not less than 10 percent: Provided further, That the Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall debar any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided further, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs: Provided further, That, for fiscal year 2004 and every year thereafter, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking: Provided further, That, for fiscal year 2004 and every year thereafter, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information: Provided further, That the Corporation shall offer any individual selected after October 31, 2002, for initial enrollment or reenrollment as a

VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) the option of receiving a national service educational award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) after "programs".

SALARIES AND EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses) involved in carrying out the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) involved in administration as provided under section 501(a)(4) of the Act, \$25,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,500,000, to remain available until September 30, 2005.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251-7298, \$16,220,000 of which \$1,175,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000,000 for official reception and representation expenses, \$32,000,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$78,774,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Com-

prehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$73,467,000, which may be derived to the extent funds are available from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2004, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$715,579,000, which shall remain available until September 30, 2005.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$9,000 for official reception and representation expenses, \$2,219,659,000, which shall remain available until September 30, 2005, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002, of which, in addition to any other amounts provided under this heading for the Office of Enforcement and Compliance Assurance, \$5,400,000 shall be made available for that office.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$36,808,000, to remain available until September 30, 2005.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (c)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; \$1,265,000,000 (of which \$100,000,000 shall not become available until September 1, 2003), to remain available until expended, consisting of such sums as are available in the Trust Fund as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,265,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$13,214,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2005, and \$45,000,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2005.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$72,545,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$16,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,814,000,000, to remain available until expended, of which \$1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); \$850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$45,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds (1) 25 percent will be set aside for regional hub communities of populations over 1,000 but under 5,000, (2) the State of Alaska shall provide a match of 25 percent, (3) no more than 5 percent of the fund may be used for administrative and overhead expenses, and (4) a statewide pri-

ority list shall be established which shall remain in effect for at least three years; \$3,500,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106-554; \$130,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, notwithstanding any other provision of law, heretofore and hereafter, projects awarded such grants under this heading that also receive loans from a State water pollution control or drinking water revolving fund may be administered in accordance with applicable State water pollution control or drinking water revolving fund administrative and procedural requirements, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Administrator of the Environmental Protection Agency; \$100,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and \$1,130,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, of which \$60,000,000 shall be for carrying out section 128 of CERCLA, as amended, and \$20,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2004, State authority under section 302(a) of Public Law 104-182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2004 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2004, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2004, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That

the referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking "wastewater" in reference to item number 219 and inserting "water": Provided further, That the referenced statement of the managers under this heading in Public Law 108-7 is deemed to be amended by striking "wastewater" in reference to item number 409 and inserting "water".

ADMINISTRATIVE PROVISIONS

For fiscal year 2004, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds may hereafter be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

For fiscal year 2004, notwithstanding any other provision of law, recipients of grants awarded under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) may use funds for reasonable administrative costs, as determined by the Administrator of the Environmental Protection Agency.

Section 209(e)(1) of the Clean Air Act (42 U.S.C. 7543(e)(1)) is amended by—

- (1) striking the words "either of"; and
- (2) in subparagraph (A), adding before the period at the end the following: ", and any new spark-ignition engines smaller than 50 horsepower".

Not later than December 1, 2004, the Administrator of the Environmental Protection Agency shall propose regulations containing new standards applicable to emissions from new nonroad spark-ignition engines smaller than 50 horsepower.

DESIGNATIONS OF AREAS FOR PM_{2.5} AND SUBMISSION OF IMPLEMENTATION PLANS FOR REGIONAL HAZE.

(a) IN GENERAL.—Section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) is amended by adding at the end the following:

"(6) DESIGNATIONS.—

"(A) SUBMISSION.—Notwithstanding any other provision of law, not later than February 15, 2004, the Governor of each State shall submit designations referred to in paragraph (1) for the July 1997 PM_{2.5} national ambient air quality standards for each area within the State, based on air quality monitoring data collected in accordance with any applicable Federal reference methods for the relevant areas.

"(B) PROMULGATION.—Notwithstanding any other provision of law, not later than December 31, 2004, the Administrator shall, consistent with paragraph (1), promulgate the designations referred to in subparagraph (A) for each area of each State for the July 1997 PM_{2.5} national ambient air quality standards.

"(7) IMPLEMENTATION PLAN FOR REGIONAL HAZE.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 3 years after the date on which the Administrator promulgates the designations referred to in paragraph (6)(B) for a State, the State shall submit, for the entire State, the State implementation plan revisions to

meet the requirements promulgated by the Administrator under section 169B(e)(1) (referred to in this paragraph as 'regional haze requirements').

“(B) NO PRECLUSION OF OTHER PROVISIONS.—Nothing in this paragraph precludes the implementation of the agreements and recommendations stemming from the Grand Canyon Visibility Transport Commission Report dated June 1996, including the submission of State implementation plan revisions by the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, or Wyoming by December 31, 2003, for implementation of regional haze requirements applicable to those States.”.

(b) RELATIONSHIP TO TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Except as provided in paragraphs (6) and (7) of section 107(d) of the Clean Air Act (as added by subsection (a)), section 6101, subsections (a) and (b) of section 6102, and section 6103 of the Transportation Equity Act for the 21st Century (42 U.S.C. 7407 note; 112 Stat. 463), as in effect on the day before the date of enactment of this Act, shall remain in effect.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$7,027,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,238,000: Provided, That, notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$30,848,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, \$14,000,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed \$21,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2004 in excess of \$21,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of

experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$1,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT CAPABILITIES

For necessary expenses, not otherwise provided for, in the conduct and support of space flight capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$7,582,100,000, to remain available until September 30, 2005, of which no less than \$3,968,000,000 shall be available for activities related to the Space Shuttle and shall not be available for transfer to any other program or account, and no more than \$1,507,000,000 shall be available for activities related to the International Space Station.

SCIENCE, AERONAUTICS AND EXPLORATION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$7,730,507,000, to remain available until September 30, 2005, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Space flight capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106-377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$26,300,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics and exploration", or "Space flight capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such

activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics and exploration", or "Space flight capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2006.

From amounts made available in this Act for these activities, the Administration may transfer amounts between aeronautics from the "Science, aeronautics and exploration" account to the "Space flight capabilities" account, provided NASA meets all reprogramming requirements.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NASA shall maintain a working capital fund in the United States Treasury and report to the Congress on the status of this fund by January 31, 2004. Amounts in the fund are available for financing activities, services, equipment, information, and facilities as authorized by law to be provided within the Administration; to other agencies or instrumentalities of the United States; to any State, Territory, or possession or political subdivision thereof; to other public or private agencies; or to any person, firm, association, corporation, or educational institution on a reimbursable basis. The fund shall also be available for the purpose of funding capital repairs, renovations, rehabilitation, sustenance, demolition, or replacement of NASA real property, on a reimbursable basis within the Administration. Amounts in the fund are available without regard to fiscal year limitation. The capital of the fund consists of amounts appropriated to the fund; the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; and payments received for loss or damage to property of the fund. The fund shall be reimbursed, in advance, for supplies and services at rates that will approximate the expenses of operation, such as the accrual of annual leave, depreciation of plant, property and equipment, and overhead.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

Notwithstanding any other provision of law, no funds under this Act or any other Act may be used to compensate any person who contracts with NASA who has otherwise chosen to retire early or has taken a buy-out.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2004, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2004 shall not exceed \$310,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,500,000 shall be available: Provided, That of this amount \$700,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions, and \$800,000 is available until September 30, 2005 for

technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$4,220,610,000, of which not to exceed \$341,730,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2005: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That \$90,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES
CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, \$149,680,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$975,870,000, to remain available until September 30, 2005: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$225,700,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2004 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying

out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$3,900,000: Provided, That not more than \$9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$10,000,000, to remain available until September 30, 2005.

NEIGHBORHOOD REINVESTMENT CORPORATION
PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$115,000,000, of which \$5,000,000 shall be for a multi-family rental housing program.

ADMINISTRATIVE PROVISION

Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by—

(1) striking out "compensation" and inserting "salary"; and striking out "highest rate provided for GS-18 of the General Schedule under section 5332 of title 5 United States Code"; and inserting "rate for level IV of the Executive Schedule"; and

(2) inserting after the end the following sentence: "The Corporation shall also apply the provisions of section 5307(a)(1), (b)(1) and (b)(2) of title 5, United States Code, governing limitations on certain pay as if its employees were Federal employees receiving payments under title 5.".

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$26,308,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: Provided further, That none of the funds appropriated under this heading may be used in direct support of the Corporation for National and Community Service.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of

any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905; or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 407. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 408. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 409. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 410. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 411. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 412. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 413. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 414. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 415. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 416. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government that is established after the date of the enactment of this Act, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 417. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 418. SENSE OF THE SENATE. (a) FINDINGS.—The Senate finds that—

(1) 30 percent of American families have housing affordability problems, with 14,300,000 families paying more than half of their income for housing costs, and 17,300,000 families paying 30 to 50 percent of their income towards housing costs;

(2) 9,300,000 American families live in housing that is overcrowded or distressed;

(3) 3,500,000 households in the United States will experience homelessness at some point this year, including 1,350,000 children;

(4) the number of working families who are unable to afford adequate housing is increasing, as the gap between wages and housing costs grows;

(5) there is no county or metropolitan area in the country where a minimum wage earner can afford to rent a modest 2-bedroom apartment, and on average, a family must earn over \$15 an hour to afford modest rental housing, which is almost 3 times the minimum wage;

(6) section 8 housing vouchers help approximately 2,000,000 families with children, senior citizens, and disabled individuals afford a safe and decent place to live;

(7) utilization of vouchers is at a high of 96 percent, and is on course to rise to 97 percent in fiscal year 2004, according to data provided by the Department of Housing and Urban Development;

(8) the average cost per voucher has also steadily increased from just over \$6,400 in August of 2002, to \$6,756 in April, 2003, due largely to rising rents in the private market, and the

Congressional Budget Office estimates that the cost per voucher in fiscal year 2004 will be \$7,028, \$560 more per voucher than the estimate contained in the fiscal year 2004 budget request; and

(9) the congressionally appointed, bipartisan Millennial Housing Commission found that housing vouchers are "the linchpin of a national housing policy providing very low-income renters access to privately-owned housing stock".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) housing vouchers are a critical resource in ensuring that families in America can afford safe, decent, and adequate housing;

(2) public housing agencies must retain the ability to use 100 percent of their authorized vouchers to help house low-income families; and

(3) the Senate expects the Department of Housing and Urban Development to take all necessary actions to encourage full utilization of vouchers, and to use all legally available resources as needed to support full funding for housing vouchers in fiscal year 2004, so that every voucher can be used by a family in need.

SEC. 419. Section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)) is amended—

(1) in paragraph (3)(A), by striking "shall not exceed 2 percent" and inserting "shall not, subject to paragraph (6), exceed 3 percent";

(2) in paragraph (5), by striking "not to exceed 1 percent" and inserting "subject to paragraph (6), not to exceed 3 percent";

(3) by redesignating the second paragraph (5) and paragraph (6) as paragraphs (7) and (8), respectively; and

(4) by inserting after paragraph (5) the following:

"(6) Of the amounts received under paragraph (1), the State may deduct not more than an aggregate total of 3 percent of such amounts for—

(A) administrative expenses under paragraph (3)(A); and

(B) technical assistance under paragraph (5)."

SEC. 420. SEWER OVERFLOW CONTROL GRANTS. Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (f), by striking "2002 and 2003" and inserting "2005 and 2006";

(2) in subsection (g)(1)—

(A) in the paragraph heading, by striking "2002" and inserting "2005"; and

(B) by striking "2002" and inserting "2005";

(3) in subsection (g)(2)—

(A) in the paragraph heading, by striking "2003" and inserting "2006"; and

(B) by striking "2003" and inserting "2006"; and

(4) in subsection (i), by striking "2003" and inserting "2006".

SEC. 421. (a) Congress makes the following findings:

(1) During Operation Desert Shield and Operation Desert Storm (in this section, collectively referred to as the "First Gulf War"), the regime of Saddam Hussein committed grave human rights abuses and acts of terrorism against the people of Iraq and citizens of the United States.

(2) United States citizens who were taken prisoner by the regime of Saddam Hussein during the First Gulf War were brutally tortured and forced to endure severe physical trauma and emotional abuse.

(3) The regime of Saddam Hussein used civilian citizens of the United States who were working in the Persian Gulf region before and during the First Gulf War as so-called human shields, threatening the personal safety and emotional well-being of such civilians.

(4) Congress has recognized and authorized the right of United States citizens, including prisoners of war, to hold terrorist states, such as Iraq during the regime of Saddam Hussein, liable for injuries caused by such states.

(5) The United States district courts are authorized to adjudicate cases brought by individuals injured by terrorist states.

(b) It is the sense of Congress that—

(1) notwithstanding section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 579) and any other provision of law, a citizen of the United States who was a prisoner of war or who was used by the regime of Saddam Hussein and by Iraq as a so-called human shield during the First Gulf War should have the opportunity to have any claim for damages caused by the regime of Saddam Hussein and by Iraq incurred by such citizen fully adjudicated in the appropriate United States district court;

(2) any judgment for such damages awarded to such citizen, or the family of such citizen, should be fully enforced; and

(3) the Attorney General should enter into negotiations with each such citizen, or the family of each such citizen, to develop a fair and reasonable method of providing compensation for the damages each such citizen incurred, including using assets of the regime of Saddam Hussein held by the Government of the United States or any other appropriate sources to provide such compensation.

SEC. 422. None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mortality that differ based on the age of the adult.

SEC. 423. EXTENSION OF CERTAIN PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION AGREEMENTS. (a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before December 31, 2004.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

SEC. 424. STUDY OF MOVING TO WORK PROGRAM. (a) IN GENERAL.—The General Accounting Office shall conduct a study of the Moving to Work demonstration program to evaluate—

(1) whether the statutory goals of the Moving to Work demonstration program are being met;

(2) the effects policy changes related to the Moving to Work demonstration program have had on residents; and

(3) whether public housing agencies participating in the Moving to Work program are meeting the requirements of the Moving to Work

demonstration program under law and any agreements with the Department of Housing and Urban Development.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall submit to Congress a report on the study conducted under subsection (a).

SEC. 425. NATIONAL ACADEMY OF SCIENCES STUDY. The matter under the heading “ADMINISTRATIVE PROVISIONS” under the heading “ENVIRONMENTAL PROTECTION AGENCY” in title III of division K of section 2 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 513), is amended—

(1) in the first sentence of the fifth undesignated paragraph (beginning “As soon as”), by inserting before the period at the end the following: “, and the impact of the final rule entitled ‘Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion’, amending parts 51 and 52 of title 40, Code of Federal Regulations, and published in electronic docket OAR-2002-0068 on August 27, 2003”; and

(2) in the sixth undesignated paragraph (beginning “The National Academy of Sciences”), by striking “March 3, 2004” and inserting “January 1, 2005”.

SEC. 426. There shall be made available \$500,000 to the Secretary of Housing and Urban Development for the purposes of making the grant authorized under section 3 of the Paul and Sheila Wellstone Center for Community Building Act.

TITLE V—PESTICIDE PRODUCTS AND FEES

SEC. 501. PESTICIDE REGISTRATION. (a) **SHORT TITLE.**—This title may be cited as the “Pesticide Registration Improvement Act of 2003”.

(b) **REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.**—Section 3(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(h)) is amended—

(1) in paragraph (2)(F), by striking “90 to 180 days” and inserting “120 days”; and

(2) in paragraph (3)—

(A) in subparagraph (D)(vi), by striking “240 days” and inserting “120 days”; and

(B) in subparagraph (F), by adding at the end the following:

“(iv) **LIMITATION.**—Notwithstanding clause (ii), the failure of the Administrator to notify an applicant for an amendment to a registration for an antimicrobial pesticide shall not be judicially reviewable in a Federal or State court if the amendment requires scientific review of data within—

“(I) the time period specified in subparagraph (D)(vi), in the absence of a final regulation under subparagraph (B); or

“(II) the time period specified in paragraph (2)(F), if adopted in a final regulation under subparagraph (B).”.

(c) **MAINTENANCE FEES.**—

(1) **AMOUNTS FOR REGISTRANTS.**—Section 4(i)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)) is amended—

(A) in subparagraph (A)—

(i) by striking “(A) Subject” and inserting the following:

“(A) **IN GENERAL.**—Subject”; and

(ii) by striking “of—” and all that follows through “additional registration” and inserting “for each registration”;

(B) in subparagraph (D)—

(i) by striking “(D) The” and inserting the following:

“(D) **MAXIMUM AMOUNT OF FEES FOR REGISTRANTS.**—The”; and

(ii) in clause (i), by striking “shall be \$55,000; and” and inserting “shall be—

“(I) for fiscal year 2004, \$84,000;

“(II) for each of fiscal years 2005 and 2006, \$87,000;

“(III) for fiscal year 2007, \$68,000; and

“(IV) for fiscal year 2008, \$55,000; and”; and

(iii) in clause (ii), by striking “shall be \$95,000.” and inserting “shall be—

“(I) for fiscal year 2004, \$145,000;

“(II) for each of fiscal years 2005 and 2006, \$151,000;

“(III) for fiscal year 2007, \$117,000; and

“(IV) for fiscal year 2008, \$95,000.”; and

(C) in subparagraph (E)—

(i) by striking “(E)(i) For” and inserting the following:

“(E) **MAXIMUM AMOUNT OF FEES FOR SMALL BUSINESSES.**—

“(i) **IN GENERAL.**—For”; and

(ii) by indenting the margins of subclauses (I) and (II) of clause (i) appropriately; and

(iii) in clause (i)—

(I) subclause (I), by striking “shall be \$38,500; and” and inserting “shall be—

“(aa) for fiscal year 2004, \$59,000;

“(bb) for each of fiscal years 2005 and 2006, \$61,000;

“(cc) for fiscal year 2007, \$48,000; and

“(dd) for fiscal year 2008, \$38,500; and”; and

(II) in subclause (II), by striking “shall be \$66,500.” and inserting “shall be—

“(aa) for fiscal year 2004, \$102,000;

“(bb) for each of fiscal years 2005 and 2006, \$106,000;

“(cc) for fiscal year 2007, \$82,000; and

“(dd) for fiscal year 2008, \$66,500.”.

(2) **TOTAL AMOUNT OF FEES.**—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(C)) is amended—

(A) by striking “(C)(i) The” and inserting the following:

“(C) **TOTAL AMOUNT OF FEES.**—The”; and

(B) by striking “aggregate amount” and all that follows through clause (ii) and inserting “aggregate amount of—

“(i) for fiscal year 2004, \$26,000,000;

“(ii) for fiscal year 2005, \$27,000,000;

“(iii) for fiscal year 2006, \$27,000,000;

“(iv) for fiscal year 2007, \$21,000,000; and

“(v) for fiscal year 2008, \$15,000,000.”.

(3) **DEFINITION OF SMALL BUSINESS.**—Section 4(i)(5)(E)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(E)(ii)) is amended—

(A) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting the margins appropriately;

(B) by striking “(ii) For purposes of” and inserting the following:

“(ii) **DEFINITION OF SMALL BUSINESS.**—

“(I) **IN GENERAL.**—In”; and

(C) in item (aa) (as so redesignated), by striking “150” and inserting “500”;

(D) in item (bb) (as so redesignated), by striking “gross revenue from chemicals that did not exceed \$40,000,000.” and inserting “global gross revenue from pesticides that did not exceed \$60,000,000.”; and

(E) by adding at the end the following:

“(II) **AFFILIATES.**—

“(aa) **IN GENERAL.**—In the case of a business entity with 1 or more affiliates, the gross revenue limit under subclause (I)(bb) shall apply to the gross revenue for the entity and all of the affiliates of the entity, including parents and subsidiaries, if applicable.

“(bb) **AFFILIATED PERSONS.**—For the purpose of item (aa), persons are affiliates of each other if, directly or indirectly, either person controls or has the power to control the other person, or a third person controls or has the power to control both persons.

“(cc) **INDICIA OF CONTROL.**—For the purpose of item (aa), indicia of control include interlocking management or ownership, identity of interests among family members, shared facilities and equipment, and common use of employees.”.

(4) **EXTENSION OF AUTHORITY FOR COLLECTING MAINTENANCE FEES.**—Section 4(i)(5)(H) of the Federal Insecticide, Fungicide, and Rodenticide

Act (7 U.S.C. 136a-1(i)(5)(H)) is amended by striking “2003” and inserting “2008”.

(5) **REREGISTRATION AND OTHER ACTIVITIES.**—Section 4(g)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136a-1(g)(2)) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—The Administrator shall make a determination as to eligibility for reregistration—

“(i) for all active ingredients subject to reregistration under this section for which tolerances or exemptions from tolerances are required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), not later than the last date for tolerance reassessment established under section 408(q)(1)(C) of that Act (21 U.S.C. 346a(q)(1)(C)); and

“(ii) for all other active ingredients subject to reregistration under this section, not later than October 3, 2008.”;

(B) in subparagraph (B)—

(i) by striking “(B) Before” and inserting the following:

“(B) **PRODUCT-SPECIFIC DATA.**—

“(i) **IN GENERAL.**—Before”; and

(ii) by striking “The Administrator” and inserting the following:

“(ii) **TIMING.**—

“(I) **IN GENERAL.**—Subject to subclause (II), the Administrator”; and

(iii) by adding at the end the following:

“(II) **EXTRAORDINARY CIRCUMSTANCES.**—In the case of extraordinary circumstances, the Administrator may provide such a longer period, of not more than 2 additional years, for submission of data to the Administrator under this subparagraph.”; and

(C) in subparagraph (D)—

(i) by striking “(D) If” and inserting the following:

“(D) **DETERMINATION TO NOT REREGISTER.**—

“(i) **IN GENERAL.**—If”; and

(ii) by adding at the end the following:

“(ii) **TIMING FOR REGULATORY ACTION.**—Regulatory action under clause (i) shall be completed as expeditiously as possible.”.

(d) **OTHER FEES.**—

(1) **IN GENERAL.**—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(6)) is amended—

(A) by striking “During” and inserting “Except as provided in section 33, during”; and

(B) by striking “2003” and inserting “2010”.

(2) **TOLERANCE FEES.**—Notwithstanding section 408(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(1)), during the period beginning on October 1, 2003, and ending on September 30, 2008, the Administrator of the Environmental Protection Agency shall not collect any tolerance fees under that section.

(e) **EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.**—Section 4(k)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)(3)) is amended—

(1) in the paragraph heading, by striking “EXPEDITED” and inserting “REVIEW OF INERT INGREDIENTS; EXPEDITED”; and

(2) in subparagraph (A)—

(A) by striking “1997” and all that follows through “of the maintenance fees” and inserting “2004 through 2006, approximately \$3,300,000, and for each of fiscal years 2007 and 2008, between ⅓ and ⅔, of the maintenance fees”;

(B) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II) and (III), respectively, and indenting appropriately; and

(C) by striking “resources to assure the expedited processing and review of any application that” and inserting “resources—

“(i) to review and evaluate new inert ingredients; and

“(ii) to ensure the expedited processing and review of any application that—”.

(f) **PESTICIDE REGISTRATION SERVICE FEES.**—The Federal Insecticide, Fungicide, and

Rodenticide Act (7 U.S.C. 136a et seq.) is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w-7) the following:

“SEC. 33. PESTICIDE REGISTRATION SERVICE FEES.

“(a) **DEFINITION OF COSTS.**—In this section, the term ‘costs’, when used with respect to review and decisionmaking pertaining to an application for which registration service fees are paid under this section, means—

“(1) costs to the extent that—

“(A) officers and employees provide direct support for the review and decisionmaking for covered pesticide applications, associated tolerances, and corresponding risk and benefits information and analyses;

“(B) persons and organizations under contract with the Administrator engage in the review of the applications, and corresponding risk and benefits information and assessments; and

“(C) advisory committees and other accredited persons or organizations, on the request of the Administrator, engage in the peer review of risk or benefits information associated with covered pesticide applications;

“(2) costs of management of information, and the acquisition, maintenance, and repair of computer and telecommunication resources (including software), used to support review of pesticide applications, associated tolerances, and corresponding risk and benefits information and analyses; and

“(3) costs of collecting registration service fees under subsections (b) and (c) and reporting, auditing, and accounting under this section.

“(b) **FEES.**—

“(1) **IN GENERAL.**—Effective beginning on the effective date of the Pesticide Registration Improvement Act of 2003, the Administrator shall assess and collect covered pesticide registration service fees in accordance with this section.

“(2) **COVERED PESTICIDE REGISTRATION APPLICATIONS.**—

“(A) **IN GENERAL.**—An application for the registration of a pesticide covered by this Act that is received by the Administrator on or after the effective date of the Pesticide Registration Improvement Act of 2003 shall be subject to a registration service fee under this section.

“(B) **EXISTING APPLICATIONS.**—

“(i) **IN GENERAL.**—Subject to clause (ii), an application for the registration of a pesticide that was submitted to the Administrator before the effective date of the Pesticide Registration Improvement Act of 2003 and is pending on that effective date shall be subject to a service fee under this section if the application is for the registration of a new active ingredient that is not listed in the Registration Division 2003 Work Plan of the Office of Pesticide Programs of the Environmental Protection Agency.

“(ii) **TOLERANCE OR EXEMPTION FEES.**—The amount of any fee otherwise payable for an application described in clause (i) under this section shall be reduced by the amount of any fees paid to support the related petition for a pesticide tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

“(C) **DOCUMENTATION.**—An application subject to a registration service fee under this section shall be submitted with documentation certifying—

“(i) payment of the registration service fee; or

“(ii) a request for a waiver from or reduction of the registration service fee.

“(3) **SCHEDULE OF COVERED APPLICATIONS AND REGISTRATION SERVICE FEES.**—

“(A) **IN GENERAL.**—Not later than 30 days after the effective date of the Pesticide Registration Improvement Act of 2003, the Administrator shall publish in the Federal Register a schedule of covered pesticide registration applications and corresponding registration service fees.

“(B) **REPORT.**—Subject to paragraph (6), the schedule shall be the same as the applicable schedule appearing in the Congressional Record on pages S11631 through S11633, dated September 17, 2003.

“(4) **PENDING PESTICIDE REGISTRATION APPLICATIONS.**—

“(A) **IN GENERAL.**—An applicant that submitted a registration application to the Administrator before the effective date of the Pesticide Registration Improvement Act of 2003, but that is not required to pay a registration service fee under paragraph (2)(B), may, on a voluntary basis, pay a registration service fee in accordance with paragraph (2)(B).

“(B) **VOLUNTARY FEE.**—The Administrator may not compel payment of a registration service fee for an application described in subparagraph (A).

“(C) **DOCUMENTATION.**—An application for which a voluntary registration service fee is paid under this paragraph shall be submitted with documentation certifying—

“(i) payment of the registration service fee; or

“(ii) a request for a waiver from or reduction of the registration service fee.

“(5) **RESUBMISSION OF PESTICIDE REGISTRATION APPLICATIONS.**—If a pesticide registration application is submitted by a person that paid the fee for the application under paragraph (2), is determined by the Administrator to be complete, and is not approved or is withdrawn (without a waiver or refund), the submission of the same pesticide registration application by the same person (or a licensee, assignee, or successor of the person) shall not be subject to a fee under paragraph (2).

“(6) **FEE ADJUSTMENT.**—Effective for a covered pesticide registration application received on or after October 1, 2005, the Administrator shall—

“(A) increase by 5 percent the service fee payable for the application under paragraph (3); and

“(B) publish in the Federal Register the revised registration service fee schedule.

“(7) **WAIVERS AND REDUCTIONS.**—

“(A) **IN GENERAL.**—An applicant for a covered pesticide registration may request the Administrator to waive or reduce the amount of a registration service fee payable under this section under the circumstances described in subparagraphs (D) through (G).

“(B) **DOCUMENTATION.**—

“(i) **IN GENERAL.**—A request for a waiver from or reduction of the registration service fee shall be accompanied by appropriate documentation demonstrating the basis for the waiver or reduction.

“(ii) **CERTIFICATION.**—The applicant shall provide to the Administrator a written certification, signed by a responsible officer, that the documentation submitted to support the waiver or reduction request is accurate.

“(iii) **INACCURATE DOCUMENTATION.**—An application shall be subject to the applicable registration service fee payable under paragraph (3) if, at any time, the Administrator determines that—

“(I) the documentation supporting the waiver or reduction request is not accurate; or

“(II) based on the documentation or any other information, the waiver or reduction should not have been granted or should not be granted.

“(C) **DETERMINATION TO GRANT OR DENY REQUEST.**—As soon as practicable, but not later than 60 days, after the date on which the Administrator receives a request for a waiver or reduction of a registration service fee under this paragraph, the Administrator shall—

“(i) determine whether to grant or deny the request; and

“(ii) notify the applicant of the determination.

“(D) **MINOR USES.**—

“(i) **IN GENERAL.**—The Administrator may waive or reduce a registration service fee for an application for minor uses for a pesticide.

“(ii) **SUPPORTING DOCUMENTATION.**—An applicant requesting a waiver under this subpara-

graph shall provide supporting documentation that demonstrates, to the satisfaction of the Administrator, that anticipated revenues from the uses that are the subject of the application would be insufficient to justify imposition of the full application fee.

“(E) **IR-4 WAIVER.**—The Administrator shall waive the registration service fee for an application if the Administrator determines that—

“(i) the application is solely associated with a tolerance petition submitted in connection with the Inter-Regional Project Number 4 (IR-4) as described in section 2 of Public Law 89-106 (7 U.S.C. 450i(e)); and

“(ii) the waiver is in the public interest.

“(F) **SMALL BUSINESSES.**—

“(i) **IN GENERAL.**—The Administrator shall waive 50 percent of the registration service fees payable by an entity for a covered pesticide registration application under this section if the entity is a small business (as defined in section 4(i)(5)(E)(ii)) at the time of application.

“(ii) **WAIVER OF FEES.**—The Administrator shall waive all of the registration service fees payable by an entity under this section if the entity—

“(I) is a small business (as defined in section 4(i)(5)(E)(ii)) at the time of application; and

“(II) has average annual global gross revenues described in section 4(i)(5)(E)(ii)(I)(bb) that does not exceed \$10,000,000, at the time of application.

“(iii) **FORMATION FOR WAIVER.**—The Administrator shall not grant a waiver under this subparagraph if the Administrator determines that the entity submitting the application has been formed or manipulated primarily for the purpose of qualifying for the waiver.

“(iv) **DOCUMENTATION.**—An entity requesting a waiver under this subparagraph shall provide to the Administrator—

“(I) documentation demonstrating that the entity is a small business (as defined in section 4(i)(5)(E)(ii)) at the time of application; and

“(II) if the entity is requesting a waiver of all registration service fees payable under this section, documentation demonstrating that the entity has an average annual global gross revenues described in section 4(i)(5)(E)(ii)(I)(bb) that does not exceed \$10,000,000, at the time of application.

“(G) **FEDERAL AND STATE AGENCY EXEMPTIONS.**—An agency of the Federal Government or a State government shall be exempt from covered registration service fees under this section.

“(8) **REFUNDS.**—

“(A) **EARLY WITHDRAWALS.**—If, during the first 60 days after the beginning of the applicable decision time review period under subsection (f)(3), a covered pesticide registration application is withdrawn by the applicant, the Administrator shall refund all but 10 percent of the total registration service fee payable under paragraph (3) for the application.

“(B) **WITHDRAWALS AFTER THE FIRST 60 DAYS OF DECISION REVIEW TIME PERIOD.**—

“(i) **IN GENERAL.**—If a covered pesticide registration application is withdrawn after the first 60 days of the applicable decision time review period, the Administrator shall determine what portion, if any, of the total registration service fee payable under paragraph (3) for the application may be refunded based on the proportion of the work completed at the time of withdrawal.

“(ii) **TIMING.**—The Administrator shall—

“(I) make the determination described in clause (i) not later than 90 days after the date the application is withdrawn; and

“(II) provide any refund as soon as practicable after the determination.

“(C) **DISCRETIONARY REFUNDS.**—

“(i) **IN GENERAL.**—In the case of a pesticide registration application that has been filed with the Administrator and has not been withdrawn by the applicant, but for which the Administrator has not yet made a final determination, the Administrator may refund a portion of a covered registration service fee if the Administrator determines that the refund is justified.

“(ii) BASIS.—The Administrator may provide a refund for an application under this subparagraph—

“(I) on the basis that, in reviewing the application, the Administrator has considered data submitted in support of another pesticide registration application; or

“(II) on the basis that the Administrator completed portions of the review of the application before the effective date of this section.

“(D) CREDITED FEES.—In determining whether to grant a refund under this paragraph, the Administrator shall take into account any portion of the registration service fees credited under paragraph (2) or (4).

“(C) PESTICIDE REGISTRATION FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a Pesticide Registration Fund to be used in carrying out this section (referred to in this section as the ‘Fund’), consisting of—

“(A) such amounts as are deposited in the Fund under paragraph (2);

“(B) any interest earned on investment of amounts in the Fund under paragraph (4); and

“(C) any proceeds from the sale or redemption of investments held in the Fund.

“(2) DEPOSITS IN FUND.—Subject to paragraph (4), the Administrator shall deposit fees collected under this section in the Fund.

“(3) EXPENDITURES FROM FUND.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (4), the Administrator may make expenditures from the Fund—

“(i) to cover the costs associated with the review and decisionmaking pertaining to all applications for which registration service fees have been paid under this section; and

“(ii) to otherwise carry out this section.

“(B) WORKER PROTECTION.—For each of fiscal years 2004 through 2008, the Administrator shall use approximately $\frac{1}{17}$ of the amount in the Fund (but not more than \$1,000,000, and not less than \$750,000, for any fiscal year) to enhance current scientific and regulatory activities related to worker protection.

“(C) NEW INERT INGREDIENTS.—For each of fiscal years 2004 and 2005, the Administrator shall use approximately $\frac{1}{4}$ of the amount in the Fund (but not to exceed \$500,000 for any fiscal year) for the review and evaluation of new inert ingredients.

“(4) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section and amounts deposited in the Fund—

“(A) shall be collected and made available for obligation only to the extent provided in advance in appropriations Acts; and

“(B) shall be available without fiscal year limitation.

“(5) UNUSED FUNDS.—Amounts in the Fund not currently needed to carry out this section shall be—

“(A) maintained readily available or on deposit;

“(B) invested in obligations of the United States or guaranteed by the United States; or

“(C) invested in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

“(d) ASSESSMENT OF FEES.—

“(1) DEFINITION OF COVERED FUNCTIONS.—In this subsection, the term ‘covered functions’ means functions of the Office of Pesticide Programs of the Environmental Protection Agency, as identified in key programs and projects of the final operating plan for the Environmental Protection Agency submitted as part of the budget process for fiscal year 2002, regardless of any subsequent transfer of 1 or more of the functions to another office or agency or the subsequent transfer of a new function to the Office of Pesticide Programs.

“(2) MINIMUM AMOUNT OF APPROPRIATIONS.—Registration service fees may not be assessed for a fiscal year under this section unless the amount of appropriations for salaries, contracts, and expenses for the functions (as in existence

in fiscal year 2002) of the Office of Pesticide Programs of the Environmental Protection Agency for the fiscal year (excluding the amount of any fees appropriated for the fiscal year) are equal to or greater than the amount of appropriations for covered functions for fiscal year 2002 (excluding the amount of any fees appropriated for the fiscal year).

“(3) USE OF FEES.—Registration service fees authorized by this section shall be available, in the aggregate, only to defray increases in the costs associated with the review and decisionmaking for the review of pesticide registration applications and associated tolerances (including increases in the number of full-time equivalent positions in the Environmental Protection Agency engaged in those activities) over the costs for fiscal year 2002, excluding costs paid from fees appropriated for the fiscal year.

“(4) COMPLIANCE.—The requirements of paragraph (2) shall have been considered to have been met for any fiscal year if the amount of appropriations for salaries, contracts, and expenses for the functions (as in existence in fiscal year 2002) of the Office of Pesticide Programs of the Environmental Protection Agency for the fiscal year (excluding the amount of any fees appropriated for the fiscal year) is not more than 3 percent below the amount of appropriations for covered functions for fiscal year 2002 (excluding the amount of any fees appropriated for the fiscal year).

“(5) SUBSEQUENT AUTHORITY.—If the Administrator does not assess registration service fees under subsection (b) during any portion of a fiscal year as the result of paragraph (2) and is subsequently permitted to assess the fees under subsection (b) during the fiscal year, the Administrator shall assess and collect the fees, without any modification in rate, at any time during the fiscal year, notwithstanding any provisions of subsection (b) relating to the date fees are to be paid.

“(e) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS.—To the maximum extent practicable consistent with the degrees of risk presented by pesticides and the type of review appropriate to evaluate risks, the Administrator shall identify and evaluate reforms to the pesticide registration process under this Act with the goal of reducing decision review periods in effect on the effective date of the Pesticide Registration Improvement Act of 2003 for pesticide registration actions for covered pesticide registration applications (including reduced risk applications).

“(f) DECISION TIME REVIEW PERIODS.—

“(1) IN GENERAL.—Not later than 30 days after the effective date of the Pesticide Registration Improvement Act of 2003, the Administrator shall publish in the Federal Register a schedule of decision review periods for covered pesticide registration actions and corresponding registration service fees under this Act.

“(2) REPORT.—The schedule shall be the same as the applicable schedule appearing in the Congressional Record on pages S11631 through S11633, dated September 17, 2003.

“(3) APPLICATIONS SUBJECT TO DECISION TIME REVIEW PERIODS.—The decision time review periods specified in paragraph (1) shall apply to—

“(A) covered pesticide registration applications subject to registration service fees under subsection (b)(2);

“(B) covered pesticide registration applications for which an applicant has voluntarily paid registration service fees under subsection (b)(4); and

“(C) covered pesticide registration applications listed in the Registration Division 2003 Work Plan of the Office of Pesticide Programs of the Environmental Protection Agency.

“(4) START OF DECISION TIME REVIEW PERIOD.—

“(A) IN GENERAL.—Except as provided in subparagraphs (C), (D), and (E), in the case of a pesticide registration application accompanied by the registration service fee required under

this section, the decision time review period begins 21 days after the date on which the Administrator receives the covered pesticide registration application.

“(B) COMPLETENESS OF APPLICATION.—In conducting an initial screening of an application, the Administrator shall determine—

“(i) whether—

“(I) the applicable registration service fee has been paid; or

“(II) the application contains a waiver or refund request; and

“(ii) whether the application—

“(I) contains all necessary forms, data, draft labeling, and, documentation certifying payment of any registration service fee required under this section; or

“(II) establishes a basis for any requested waiver or reduction.

“(C) APPLICATIONS WITH WAIVER OR REDUCTION REQUESTS.—

“(i) IN GENERAL.—In the case of an application submitted with a request for a waiver or reduction of registration service fees under subsection (b)(7), the decision time review period shall be determined in accordance with this subparagraph.

“(ii) REQUEST GRANTED WITH NO ADDITIONAL FEES REQUIRED.—If the Administrator grants the waiver or reduction request and no additional fee is required, the decision time review period begins on the earlier of—

“(I) the date on which the Administrator grants the request; or

“(II) the date that is 60 days after the date of receipt of the application.

“(iii) REQUEST GRANTED WITH ADDITIONAL FEES REQUIRED.—If the Administrator grants the waiver or reduction request, in whole or in part, but an additional registration service fee is required, the decision time review period begins on the date on which the Administrator receives certification of payment of the applicable registration service fee.

“(iv) REQUEST DENIED.—If the Administrator denies the waiver or reduction request, the decision time review period begins on the date on which the Administrator receives certification of payment of the applicable registration service fee.

“(D) PENDING APPLICATIONS.—

“(i) IN GENERAL.—The start of the decision time review period for applications described in clause (ii) shall be the date on which the Administrator receives certification of payment of the applicable registration service fee.

“(ii) APPLICATIONS.—Clause (i) applies to—

“(I) covered pesticide registration applications for which voluntary fees have been paid under subsection (b)(4); and

“(II) covered pesticide registration applications received on or after the effective date of the Pesticide Registration Improvement Act of 2003 but submitted without the applicable registration service fee required under this section due to the inability of the Administrator to assess fees under subsection (d)(1).

“(E) 2003 WORK PLAN.—In the case of a covered pesticide registration application listed in the Registration Division 2003 Work Plan of the Office of Pesticide Programs of the Environmental Protection Agency, the decision time review period begins on the date that is 30 days after the effective date of the Pesticide Registration Improvement Act of 2003.

“(5) EXTENSION OF DECISION TIME REVIEW PERIOD.—The Administrator and the applicant may mutually agree in writing to extend a decision time review period under this subsection.

“(g) JUDICIAL REVIEW.—

“(1) IN GENERAL.—Any applicant adversely affected by the failure of the Administrator to make a determination on the application of the applicant for registration of a new active ingredient or new use for which a registration service fee is paid under this section may obtain judicial review of the failure solely under this section.

“(2) SCOPE.—

“(A) IN GENERAL.—In an action brought under this subsection, the only issue on review is whether the Administrator failed to make a determination on the application specified in paragraph (1) by the end of the applicable decision time review period required under subsection (f) for the application.

“(B) OTHER ACTIONS.—No other action authorized or required under this section shall be judicially reviewable by a Federal or State court.

“(3) TIMING.—

“(A) IN GENERAL.—A person may not obtain judicial review of the failure of the Administrator to make a determination on the application specified in paragraph (1) before the expiration of the 2-year period that begins on the date on which the decision time review period for the application ends.

“(B) MEETING WITH ADMINISTRATOR.—To be eligible to seek judicial review under this subsection, a person seeking the review shall first request in writing, at least 120 days before filing the complaint for judicial review, a decision review meeting with the Administrator.

“(4) REMEDIES.—The Administrator may not be required or permitted to refund any portion of a registration service fee paid in response to a complaint that the Administrator has failed to make a determination on the covered pesticide registration application specified in paragraph (1) by the end of the applicable decision review period.

“(h) ACCOUNTING.—The Administrator shall—

“(1) provide an annual accounting of the registration service fees paid to the Administrator and disbursed from the Fund, by providing financial statements in accordance with—

“(A) the Chief Financial Officers Act of 1990 (Public Law 101-576; 104 Stat. 2838) and amendments made by that Act; and

“(B) the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410) and amendments made by that Act;

“(2) provide an accounting describing expenditures from the Fund authorized under subsection (c); and

“(3) provide an annual accounting describing collections and expenditures authorized under subsection (d).

“(i) AUDITING.—

“(1) FINANCIAL STATEMENTS OF AGENCIES.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of an executive agency.

“(2) COMPONENTS.—The annual audit required under sections 3515(b) and 3521 of that title of the financial statements of activities under this section shall include an analysis of—

“(A) the fees collected under subsection (b) and disbursed;

“(B) compliance with subsection (f);

“(C) the amount appropriated to meet the requirements of subsection (d)(1); and

“(D) the reasonableness of the allocation of the overhead allocation of costs associated with the review and decisionmaking pertaining to applications under this section.

“(3) INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall—

“(A) conduct the annual audit required under this subsection; and

“(B) report the findings and recommendations of the audit to the Administrator and to the appropriate committees of Congress.

“(j) PERSONNEL LEVELS.—All full-time equivalent positions supported by fees authorized and collected under this section shall not be counted against the agency-wide personnel level goals of the Environmental Protection Agency.

“(k) REPORTS.—

“(1) IN GENERAL.—Not later than March 1, 2005, and each March 1 thereafter through March 1, 2009, the Administrator shall publish an annual report describing actions taken under this section.

“(2) CONTENTS.—The report shall include—

“(A) a review of the progress made in carrying out each requirement of subsections (e) and (f), including—

“(i) the number of applications reviewed, including the decision times for each application specified in subsection (f);

“(ii) the number of actions pending in each category of actions described in subsection (f)(3), as well as the number of inert ingredients;

“(iii) to the extent determined appropriate by the Administrator and consistent with the authorities of the Administrator and limitations on delegation of functions by the Administrator, recommendations for—

“(I) expanding the use of self-certification in all appropriate areas of the registration process;

“(II) providing for accreditation of outside reviewers and the use of outside reviewers to conduct the review of major portions of applications; and

“(III) reviewing the scope of use of the notification process to cover broader categories of registration actions; and

“(iv) the use of performance-based contracts, other contracts, and procurement to ensure that—

“(I) the goals of this Act for the timely review of applications for registration are met; and

“(II) the registration program is administered in the most productive and cost effective manner practicable;

“(B) a description of the staffing and resources relating to the costs associated with the review and decisionmaking pertaining to applications; and

“(C) a review of the progress in meeting the timeline requirements of section 4(g).

“(3) METHOD.—The Administrator shall publish a report required by this subsection by such method as the Administrator determines to be the most effective for efficiently disseminating the report, including publication of the report on the Internet site of the Environmental Protection Agency.

“(l) SAVINGS CLAUSE.—Nothing in this section affects any other duties, obligations, or authorities established by any other section of this Act, including the right to judicial review of duties, obligations, or authorities established by any other section of this Act.

“(m) TERMINATION OF EFFECTIVENESS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided by this section terminates on September 30, 2008.

“(2) PHASE OUT.—

“(A) FISCAL YEAR 2009.—During fiscal year 2009, the requirement to pay and collect registration service fees applies, except that the level of registration service fees payable under this section shall be reduced 40 percent below the level in effect on September 30, 2008.

“(B) FISCAL YEAR 2010.—During fiscal year 2010, the requirement to pay and collect registration service fees applies, except that the level of registration service fees payable under this section shall be reduced 70 percent below the level in effect on September 30, 2008.

“(C) SEPTEMBER 30, 2010.—Effective September 30, 2010, the requirement to pay and collect registration service fees terminates.

“(D) DECISION REVIEW PERIODS.—

“(i) PENDING APPLICATIONS.—In the case of an application received under this section before September 30, 2008, the application shall be reviewed in accordance with subsection (f).

“(ii) NEW APPLICATIONS.—In the case of an application received under this section on or after September 30, 2008, subsection (f) shall not apply to the application.”

“(g) CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 136) is amended—

(1) by striking the item relating to section 4(k)(3) and inserting the following:

“(3) Review of inert ingredients; expedited processing of similar applications.”;

and

(2) by striking the items relating to sections 30 and 31 and inserting the following:

“Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.

“Sec. 31. Environmental Protection Agency minor use program.

“Sec. 32. Department of Agriculture minor use program.

“(a) In general.

“(b)(1) Minor use pesticide data.

“(2) Minor Use Pesticide Data Revolving Fund.

“Sec. 33. Pesticide registration service fees.

“(a) Definition of costs.

“(b) Fees.

“(1) In general.

“(2) Covered pesticide registration applications.

“(3) Schedule of covered applications and registration service fees.

“(4) Pending pesticide registration applications.

“(5) Resubmission of pesticide registration applications.

“(6) Fee adjustment.

“(7) Waivers and reductions.

“(8) Refunds.

“(c) Pesticide Registration Fund.

“(1) Establishment.

“(2) Transfers to Fund.

“(3) Expenditures from Fund.

“(4) Collections and appropriations Acts.

“(5) Unused funds.

“(d) Assessment of fees.

“(1) Definition of covered functions.

“(2) Minimum amount of appropriations.

“(3) Use of fees.

“(4) Compliance.

“(5) Subsequent authority.

“(e) Reforms to reduce decision time review periods.

“(f) Decision time review periods.

“(1) In general.

“(2) Report.

“(3) Applications subject to decision time review periods.

“(4) Start of decision time review period.

“(5) Extension of decision time review period.

“(g) Judicial review.

“(1) In general.

“(2) Scope.

“(3) Timing.

“(4) Remedies.

“(h) Accounting.

“(i) Auditing.

“(1) Financial statements of agencies.

“(2) Components.

“(3) Inspector General.

“(j) Personnel levels.

“(k) Reports.

“(1) In general.

“(2) Contents.

“(l) Savings clause.

“(m) Termination of effectiveness.

“(1) In general.

“(2) Phase out.

“Sec. 34. Severability.

“Sec. 35. Authorization for appropriations.”.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 502. It is the sense of the Senate that human dosing studies of pesticides raises ethical and health questions.

This Act may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I ask unanimous consent the Senate insist upon its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mr. DOMENICI, Mr. DEWINE, Mrs. HUTCHISON, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. HARKIN, Mr. BYRD, Mr. JOHNSON, Mr. REID, and Mr. INOUE conferees on the part of the Senate.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now resume consideration of H.R. 2765, the D.C. Appropriations bill; further, that an amendment that is at the desk regarding title II be agreed to, the motion to reconsider be laid upon the table. I further ask that the substitute amendment then be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table; provided further that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Ms. LANDRIEU. Reserving the right to object, I do intend to make a few brief remarks and then will not object to the unanimous consent, but I would like to speak for as much time as I might consume. Hopefully, it will not be more than about 7 to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized on her reservation.

Ms. LANDRIEU. Mr. President, I first compliment Senator DEWINE for the outstanding job he has done. He is in a meeting and is not in the Senate at this moment, but we have worked closely together in our capacity now as chair and ranking member, as when I chaired the committee and he served as the ranking member. We have worked together through many different issues. I cannot say enough about his commitment to helping steer a bill that in many instances is contentious—not necessarily because of anything related to the District of Columbia specifically, but of other ideas and ideologies that sometimes find their way into this bill. He and I are both very sensitive to that and support the new leadership team of the District and have tried our best to steer this bill

through for the District as well as for the Nation.

I wanted to begin by complimenting him and also say, second, there are some terrific new initiatives in this bill, very much needed. One, led by Senator DEWINE, is the continued effort to reform the foster care system, first acknowledging the Mayor himself has taken quite a leadership role and has appointed very able leaders in the District to take a system that is broken, that was in many ways completely dysfunctional, and to begin to bring framework, parameters, results to it which will literally save children's lives, heal families, and find homes for children who have no homes.

Senator DEWINE and I believe, along with Mayor Williams, there is no such thing as an unwanted child; there are just unfound families. There are indeed families not only in the District of Columbia but around the Nation which are in need of our assistance, our charity, our help, and our care. When we cannot heal a family and keep them strong to raise the children born to them, it is our responsibility to find a new family for that child or that sibling as quickly as possible. We will not stop until it is achieved. Senator DEWINE has provided some additional framework in which to make that possible.

In addition, I am very pleased, along with Senator BYRD, who chaired this committee for many years, that there is also a critical infrastructure piece which indicates we as a Congress have a responsibility, in that the District is not a State, it does not have a State government but it has the same needs, and Congress has stepped up for infrastructure investments in the District which benefit the whole region—Maryland and Virginia as well. One of the primary projects we have funded is the cleanup of the Anacostia waterway which affects the region. It is a major environmental project getting tremendous help and support in this bill.

The security enhancements for emergency planning for the District, I need not tell of its importance. It is in the Nation's Capital, under the threat of terror, that we continue to function. We know how important that is. I begin with compliments to the Chair for including these and many other provisions.

I take the next 5 minutes to lay down some other important points regarding the most contentious issue in this bill. This issue was at the core or center of the debate over the future of public education in the United States of America. It has to do with a proposal of vouchers, taking money from public schools to send children to private schools. That issue is the center of debate over the future of public schools in America. It is that issue, unfortunately, because of the nature of the process in the Senate, which is going to be put into the omnibus appropriations bill. I want to go on record as strongly objecting to it once again and to set the myths from the facts.

The first myth is: The voucher proposal does not drain money from public schools or from other Federal priorities, that this is "new" money.

For the record, the \$40 million used to pay for this three-pronged approach—of which a third is for vouchers—was taken from the Commerce-Justice-State bill. In other words, that is \$39 million less spent on law enforcement, homeland security, or health care.

Again, this is not new money. There were no new taxes raised. There were no new taxes identified to pay for this. This \$39 million came out of already existing Federal revenues that are now going to fund vouchers for 1,500 children in the District of Columbia. It is not new money. It is coming from the Commerce-Justice-State bill. I contend unless a new tax is raised at the Federal level or in the District of Columbia, it is not new money. It is a myth.

The next myth I would like to put to rest is the voucher proposal is limited to children in failing schools. Some of us who have opposed this proposal, without certain amendments, have continued to say—not everybody on the Democratic side, for sure, but I have said, as the ranking member, I could support a program that had full accountability and was aimed at helping children in failing schools. Why? Because it is not their fault the schools have failed. It is our fault. It is not necessarily their parents' fault, because parents do not run the schools. Parents are busy trying to run their households, take care of their children, and sometimes work two or three jobs. If we have failed the children, then let us give them help as we reconstitute those schools under the new accountability proposal, and give them some temporary help to move to a school that might be performing.

I offered that proposal. It was rejected. This proposal is not limited or designed specifically for children in failing schools because the power behind this wants to undermine public schools, not help poor children in failing schools. That is the truth.

The fact is, there is nothing in this language that prevents a child enrolled in a high-performing public school or a private school, for that matter, from attending a private school at public expense.

Let me repeat, there is nothing in the language the Republican majority is pushing that prevents a child enrolled in a high-performing public or private school from attending a private school at public expense, with no accountability to the public taxpayer.

The third myth is this is not just a voucher demonstration program; it is a balanced, three-pronged approach for school improvement.

The fact is, in the language pushed by the Republican majority, the only part of this three-pronged demonstration program that is authorized to receive funding for more than 1 year is the voucher portion. What is more, the